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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF**  
**THE STATE OF INDIANA,**  
**BEING THE**  
**FIFTH SESSION**  
**OF 1825.**  
**GENERAL ASSEMBLY,**  
**OF THE**  
**STATE OF INDIANA,**

BEGUN AND HELD AT INDIANAPOLIS. IN SAID STATE, ON  
MONDAY, THE FIFTH DAY OF DECEMBER, A. D. 1825.

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INDIANAPOLIS, IA.

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SENATE  
OF THE  
STATE OF INDIANA.

THE TENTH SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, COMMENCED THIS DAY, CONFORMABLY TO THE CONSTITUTION OF THE SAID STATE, AT INDIANAPOLIS, IN THE COUNTY OF MARION.

MONDAY, DECEMBER 5, 1825.

PRESENT,

From the counties of Orange, Lawrence and Monroe—*Samuel Chambers.*

From the counties of Knox, Daviess and Martin—*John Ewing.*

From the counties of Posey, Vanderburgh and part of Warrick—*Thomas Givens.*

From the counties of Jackson, Bartholomew and Scott—*William Graham.*

From the counties of Perry, Spencer, Dubois and part of Warrick—*Daniel Grass.*

From the counties of Gibson and Pike—*Isaac Montgomery.*

From the county of Harrison—*Dennis Pennington.*

From the counties of Wayne, Randolph and Allen—*James Rariden.*

From the counties of Jefferson and Jennings—*Milton Stapp.*

And the following gentlemen having been elected members of the Senate since the last session of the General Assembly of the state of Indiana, appeared, produced their credentials, and having been sworn into office by the Hon. James Scott, one of the Judges of the Supreme Court, took their seats, to wit:

From the counties of Sullivan, Vigo, Parke, Montgomery, Vermillion, Clay, Owen, Putnam, Greene, Hendricks and Morgan—*John M. Colman.*

From the counties of Switzerland and Ripley—*William Cotton.*

From the county of Washington—*John De Pauw*; in the room of Samuel Milroy, resigned.

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From the counties of Clark and Floyd—*John K. Graham*; in the room of John H. Thompson, resigned.

From the counties of Marion, Shelby, Madison, Hamilton, Rush, Henry, Decatur and Johnson—*James Gregory*.

From the county of Franklin—*David Oliver*.

From the counties of Fayette and Union—*Ross Smiley*.

From the county of Dearborn—*John Watts*.

The above named gentlemen, composing the whole of the Senate of the state of Indiana, proceeded to elect, by ballot, a president pro tempore of the Senate; Messrs. Cotton and Grass having been requested to act as tellers.

Whereupon,

On counting the ballots, Mr. Stapp was declared duly elected president pro tempore of the Senate, for this occasion.

Mr. Stapp having taken the chair, Mr. Pennington moved that the Senate do now proceed to the election of a Secretary; which motion was seconded, and carried in the affirmative—and Messrs. Montgomery and Graham having been appointed tellers, the Senate proceeded to the election of a Secretary; when, upon counting the ballots, James Dill was declared to be elected Secretary, by a unanimous vote of the Senate; and he being present, (acting as Secretary by virtue of his former election,) was sworn into office by the Hon. James Scott, one of the Judges of the Supreme court.

On motion by Mr. Pennington,

The Senate proceeded to the election of an Assistant Secretary; Messrs. Montgomery and Graham having been appointed tellers; when, after balloting a second time, John H. Farnham was declared to be duly elected Assistant Secretary of the Senate; he having received eleven out of seventeen votes. Mr. Farnham was then called to the Assistant Secretary's desk, and sworn into office by Judge Scott.

On motion by Mr. Gregory,

The Senate proceeded to the election of an enrolling Secretary; Messrs. Montgomery and Graham having been appointed tellers; when, after balloting a second time, James M. Ray was declared to be duly elected enrolling Secretary to the Senate; he having received eleven votes out of seventeen. Mr. Ray was then called into the Senate chamber, and sworn into office by Judge Scott.

On motion by Mr. Pennington,

The Senate proceeded to the election of a Door-keeper; Messrs. Montgomery and Graham having been appointed tellers; when, on counting the ballots, John Metcalf was declared to be duly elected Door-keeper to the Senate; he having received nine out of seventeen votes. Mr. Metcalf was then



called into the Senate chamber, and sworn into office, by Judge Scott.

On motion by Mr. Gregory,

The Senate adopted the following resolution, to wit:

*Resolved*, That the House of Representatives be informed, that the Senate have convened, formed a quorum and elected Milton Stapp President pro tempore, James Dill Secretary, John H. Farnham Assistant Secretary, James M. Ray enrolling Secretary, John Metcalf Door-keeper, and are now ready to proceed to legislative business.

On motion by Mr. Graham of Jackson,

*Ordered*, That the secretary of state be requested to furnish a sufficient number of copies of the laws of this state, for the use of the Senate; and Mr. Graham having communicated the aforesaid order to the secretary of state, the secretary, forthwith, by the door-keeper, furnished the necessary number of copies of the laws; as also an equal number of the journals of the Senate at their last session.

On motion by Mr. Watts,

Major Hawkins of Boone county, Kentucky, and formerly a representative from that county in the legislature of Kentucky, was invited from the lobby to take a seat inside the bar.

On motion by Mr. Ewing,

*Ordered*, That the door-keeper of the Senate be instructed to have the windows of the Senate chamber repaired, so soon as the Senate adjourns.

On motion by Mr Ewing,

The Senate adopted the following resolution, to wit:

*Resolved*, That the editors of the two newspapers printed in Indianapolis, each, or either of them, be entitled to a seat in some convenient place in the Senate chamber, for a reporter, during the present session. And

On motion,

The Senate adjourned to two o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The President of the Senate pro tempore, proceeded to appoint the following standing committees, to wit:

*Committee on the Judiciary*—Messrs. Rariden, Watts, De Pauw, Montgomery and Colman.

*Committee of Ways and Means*—Messrs. Graham of Jackson, Cotton, Grass and Pennington.

*Committee on Military Affairs*—Messrs. Gregory, Smiley, Givens, De Pauw, Oliver and Graham of Clark.

*Committee on Education*—Messrs. Ewing, Watts, Oliver, Chambers and Montgomery.

*Committee on Elections*—Messrs. Pennington, Chambers, Givens, Cotton and Grass.

The following message was received from the House of Representatives, by Mr. Thornton, to wit:

*Resolved*, That the Clerk of this House inform the Senate, that the House of Representatives have met, formed a quorum, elected Robert M. Evans Speaker, Henry P. Thornton Principal Clerk, James F. D. Lanier Assistant Clerk, and John Meek Door-keeper, and are now ready to proceed to legislative business.

Mr. Richardson, a member of the House of Representatives informed the Senate, that the House of Representatives have adopted the following resolution, to wit:

*Resolved by the House of Representatives*, That a committee be appointed to wait upon the Rev. Mr. Strange, and solicit him to attend in the Representative Hall, instantler, and open the session by solemn prayer; that the Senate be informed thereof, and their attendance requested; and that seats be provided for them on the right of the Speaker's chair.

Whereupon,

The Senate proceeded to the Representative Hall, and took their seats on the right of the Speaker's chair accordingly—where an eloquent and appropriate prayer was addressed to the Throne of Grace and of Mercy, by the Rev. John Strange, one of the presiding elders in the Methodist Episcopal church; after which the Senate returned to their Chamber; and

On motion by Mr. Watts,

The Rev. John Strange of the Methodist Episcopal church, who had taken a seat in the lobby, was invited to take a seat inside of the bar.

Mr. Thornton, Principal Clerk of the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That the rules adopted at the last session of the General Assembly by the House of Representatives, for their government, in the transaction of their own business, and the joint rules for their government in the transaction of business between the two Houses, be adopted by the House of Representatives, for their government during this session; and that the Senate be informed thereof, and respectfully requested on their part, to adopt the same joint rules.

Mr. Thornton, Principal Clerk of the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That a committee be appointed on the part of the House of Representatives, to act with a similar committee to be appointed on the part of the Senate, to wait upon the acting Governor, and inform him that both Houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication; that the Senate be informed thereof, and a similar resolution on their part requested.

On motion by Mr. Graham of Jackson,

*Resolved*, That the joint rules adopted for transacting business between the two Houses at the last session, be adopted as the joint rules for transacting business at the present session; and that the House of Representatives be informed thereof.

*Ordered*, That Mr. Graham give that information.

Mr. Cotton asked, and obtained leave to introduce a bill for the relief of John F. Siebenthal, sheriff of Switzerland county; which bill was read, and ordered for second reading to-morrow.

Mr. Gregory offered for adoption, the following resolution, to wit:

*Resolved*, That a committee be appointed, to act with a similar committee appointed on the part of the House of Representatives, to wait on his excellency, James B. Ray, the acting governor of the state of Indiana, and inform him that both Houses of the General Assembly have met, formed a quorum, and are now ready to receive any communication he may be pleased to make to them: and to know of him at what time and place he may please to make the same. When,

Mr. Rariden moved that the said resolution be laid on the table; and after considerable discussion on the latter motion, it was carried in the affirmative.

And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, DECEMBER 6, 1825.

The Senate assembled.

Mr. Cotton laid before the Senate, the petition of Joseph Smith, praying exemption from payment of poll tax; which was read, and referred to a select committee, composed of Messrs. Cotton, Colman and Smiley, to report thereon by bill or otherwise.

Mr. Rariden laid before the Senate, the petition of Ithamar



Warner and others, praying sundry alteration in the law for incorporating towns; which was read, and referred to the committee on the judiciary.

On motion by Mr. Pennington,  
The credentials of the newly elected members of the Senate were referred to the committee on elections.

On motion by Mr. Graham of Jackson,  
*Ordered*, That the public printer be instructed to print three hundred copies of the journals of the Senate.

Mr. Ewing offered for adoption, the following resolution, to wit:

*Resolved*, That the Secretary of state be requested to furnish to the Senate, the constitutional construction and relative considerations, by which he was influenced, not to convene the Senate on the first Monday in August last. And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Gregory, Oliver and Watts—6.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Montgomery, Pennington, Rariden, Smiley and Stapp, Pres't—11.

So the said resolution was rejected.

Mr. Gregory moved, that the resolution by him offered yesterday, and which was laid on the table, be now taken up and considered. And on the question, shall the said resolution be now taken up? It was decided in the negative.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The following communication was received from the Secretary of state, to wit:

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, December, 1825. }

The Secretary of state respectfully reports to the Senate, that agreeably to the requisitions of the act in such case made and provided, a contract has been made with Messrs. Douglass and Maguire, of Indianapolis, for furnishing the present General Assembly, with stationery, at the following prices, to wit:

Cap paper No. 1	\$4 00 per ream
do. do. 2	3 75 do.



do.	do.	3	3 25	do.
Letter post do.			4 00	do.
Candles per pound,			0 18 3-4	

Quills and other articles, at a fair price.

A contract has been made with Mr. Benjamin Sailors, to furnish the present General Assembly with fuel, at 60 cents per diem. All which is respectfully submitted.

WM. W. WICK, Sec'y of State.

The Hon'ble the President of the Senate.

Which communication was read, and referred to the committee of ways and means.

Sundry other documents and communications, were also now received from the Secretary of State, relating to the late census of the male inhabitants of this state, and improper assessment of poll tax; all of which were read, and referred to a select committee, composed of Messrs. De Pauw, Watts, Gregory, Montgomery and Colman, to report thereon.

The bill for the relief of John F. Siebenthal, sheriff of Switzerland county, was, according to order, now taken up, read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow. And

On motion,

The Senate adjourned to 9 o'clock to-morrow morning.

### WEDNESDAY, DECEMBER 7, 1825.

The Senate assembled.

Mr. Cotton laid before the Senate, the petition of Susan Betts, praying a divorce from her husband, for certain reasons therein set forth; which was read, and ordered to lie on the table.

Mr. Ewing laid before the Senate, the petition of the administrators of I. K. Welch, deceased, praying certain relief therein named; which was read, and referred to the committee on the judiciary.

Mr. Graham of Jackson, from the committee of ways and means, made the following report, to wit:

*Mr. President,*

The committee of ways and means, to whom was referred the communication from the Secretary of State relative to the contract made with Messrs. Douglass and Maguire, for furnish-

ing stationary for the present General Assembly, respectfully recommend the adoption of the following resolution:

*Resolved*, That the contractors for furnishing stationary for the use of the present General Assembly, shall deliver such quantities thereof as may be required for the use of the Senate, to the door-keeper, on his presenting an order, signed by the chairman of the committee of ways and means; and the said resolution was read and adopted.

Mr. Pennington from the committee on elections, made the following report, to wit:

*Mr. President,*

The committee of elections, to whom was referred the certificates of the gentlemen members, returned elected, have had the same under their consideration, and find the following gentlemen duly elected, and entitled to their seats in the Senate, to wit:

*John Watts*, from the county of Dearborn.

*John K. Graham*, from the counties of Floyd and Clark.

*John De Pauw*, from the county of Washington.

*William Cotton*, from the counties of Switzerland and Ripley.

*David Oliver*, from the county of Franklin.

*James Gregory*, from the counties of Marion, Madison, Hamilton, Henry, Decatur, Rush, Shelby and Johnson.

*Ross Smiley*, from the counties of Union and Fayette; and

*John M. Colman*, from the counties of Sullivan, Vigo, Vermillion, Greene, Putnam, Parke, Montgomery, Morgan, Owen and Hendricks. And the said report was read, and

On motion, concurred in.

Mr. Thornton, Clerk of the House of Representatives, informed the Senate, that the House of Representatives had passed an engrossed bill providing for contesting the election of Governor and Lieutenant Governor, in which the concurrence of the Senate is requested. And the said bill was handed in at the Secretary's table, read a first time, and ordered for second reading to-morrow.

On motion by Mr. Graham,

*Ordered*, That the door-keeper be directed to cause locks and keys to be provided for each of the drawers, belonging to the desks in the Senate chamber, including those of the Secretaries.

Mr. Colman offered for adoption, the following resolution, to wit:

*Resolved*, That the Secretary of State be requested to lay before the Senate, from time to time such further information as he may hereafter receive, in relation to the number of taxable polls in this state; also the unofficial documents alluded to

in his communication of yesterday. And the said resolution was read, and ordered to lie on the table.

Mr. De Pauw moved, that a committee of enrolled bills be now appointed.

Whereupon,

Messrs. De Pauw and Cotton were appointed that committee.

A communication was received from the Secretary of State, and by the President, laid before the Senate, and now read; relating to the purchase of certain books for the use of the public library; which was ordered to lie on the the table.

On motion by Mr. Gregory,

*Resolved*, That a committee be appointed, to examine and report to the Senate, the unfinished business of last session.— And Messrs. Gregory, Colman and Pennington were appointed that committee.

On motion by Mr. De Pauw,

*Resolved*, That a committee be appointed, to take into consideration, the expediency of memorializing Congress in relation to purchasers of public lands; with leave to report by memorial or otherwise: And Messrs. De Pauw, Cotton, Rariden and Watts were appointed that committee.

A communication was received from the agent of the three per cent. fund, together with his annual report of the situation of that fund; and a notification of his intention to resign that office on the 20th of December present; all of which were read, and referred to the committee of ways and means.

Mr. Rariden introduced a joint resolution, relative to binding the statute laws of this state, with other states; which was read, and ordered for second reading to-morrow.

On motion by Mr. Graham of Clark,

The senate now proceeded to take up the orders of the day; and the same having been taken up;

*Ordered*, That the committee of the whole Senate be discharged from the further consideration of the bill for the relief of John F. Siebenthal, sheriff of Switzerland county; and that the same be referred to the committee of ways and means.

On motion by Mr. Ewing,

*Resolved*, That the committee on military affairs, be instructed to enquire into the expediency of so amending the law relative to the militia, that a drill officer to instruct the commissioned officers of each brigade, be provided for; that one brigade muster in each year, be ordered by the major general commanding; that the regimental reviews shall be fixed by that officer; that there be a division muster in every five years, ordered by that officer: that at every muster or parade, the officer present highest in rank, belonging to the same brigade, shall command:



and that provision be made for our officers, to avail themselves of the act of Congress of the last year, allowing privileges of franking to certain militia officers.

Mr. Graham of Jackson, offered for adoption a resolution relative to opening the returns and counting the votes for Governor and Lieutenant Governor; which was read and ordered to lie on the table.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That the Senate be informed, that the speaker of the House of Representatives is now ready to open and publish the returns of the election of Governor and Lieutenant Governor of this state; that their attendance in the Hall of the House of Representatives is requested for that purpose: and that seats are prepared for their reception on the right of the Speaker's chair.

Whereupon,

The Senate proceeded to the Representative Hall, and took their seats, when the returns from forty one counties, were opened and counted, and published by the Speaker; the Secretary of the Senate, and the principal clerk of the House of Representatives, keeping tallys: and James B. Ray proclaimed to be duly elected Governor of the state of Indiana, for three years from the third day of the present session of the General Assembly; and John H. Thompson, proclaimed to be duly elected Lieutenant Governor of the state of Indiana for three years from and after the third day of the session of the present General Assembly—and the Senate returned to their chamber.

And on motion,

The senate adjourned to 2 o'clock P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Pennington offered for adoption, the following resolution:

*Resolved*, That a committee be appointed, to act with a similar committee appointed on the part of the House of Representatives, to wait upon James B. Ray, Governor elect, and John H. Thompson, Lieutenant Governor elect, and inform them of their election as Governor and Lieutenant Governor of the state of Indiana, for and during the term of three years, from this day; and to ascertain of them at what time and place it will be convenient to take the oath of office: And whereas, it is reported, and great doubts do exist as to the eligibility of the said James B. Ray, Governor elect, as to age; and whereas,

the General Assembly do not wish to jeopardize the interest of the state, subject to future investigation; and whereas, each member being sworn to support the constitution of the state: Therefore,

*Resolved*, That said committee be requested at the same time to ascertain of his Excellency James B. Ray, Governor elect, evidence of his age, and report the same to their respective houses.

Whereupon,

Mr. De Pauw moved to amend the said resolution by striking it out from the word *Resolved*, and inserting in lieu thereof the following: "That a committee be appointed on the part of the senate to act in conjunction with such committee as may for that purpose be appointed on the part of the House of Representatives to inform James B. Ray, Esq. that he was on this day declared duly elected Governor of the state of Indiana, for three years from and after the third day of the present session of the General Assembly: Also to inform John H. Thompson, Esq. that he was in like manner and for the like time declared duly elected Lieutenant Governor of the said state: and to know of those gentlemen at what time they will attend in the Representative Chamber to take the oath of office required by the constitution; that the House of Representatives be informed thereof, and a similar committee on their part requested. And on the question, shall the resolution be so amended? It was decided in the affirmative.

The question was then put, shall this resolution as amended be adopted? which was decided in the affirmative; and Messrs. De Pauw, Gregory and Ewing were appointed a committee on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to carry the objects of the foregoing resolution into effect.

*Ordered*, That Mr. Farnham inform the House of Representatives thereof, and request on their part a similar resolution.

Mr. Burnett, from the House of Representatives informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That a committee be appointed to wait on James B. Ray, Governor elect, and John H. Thompson, Lieutenant Governor elect, and inform them of their election; and invite them to attend in the Hall of the House of Representatives, to take the oath of office; that the Senate be informed thereof, and a similar committee on their part requested—and that the Senate be invited to attend and hear the oath of office administered; that seats will be prepared for them on the right of the Speaker's chair; and that Messrs. Burnett, Guion and

Howk are appointed that committee, on the part of the House of Representatives.

Mr. De Pauw, from the committee appointed to wait upon James B. Ray and John H. Thompson, and inform them of their election to the several offices of Governor, and Lieutenant Governor, of this state: And also to know from them, at what time they will attend in the Representative Hall, and take the several oaths of office as prescribed by the constitution—now reported that they had performed that duty, and receive for answer from those gentlemen, that they will attend immediately.

Whereupon,

The Senate proceeded to the Representative Hall, and took their seats on the right of the Speaker's chair—when James B. Ray, Governor elect and John H. Thompson, Lieutenant Governor elect, appeared; and the several oaths of office as prescribed by the constitution, were administered to them severally, by the Hon. Bethuel F. Morris, President Judge of the fifth judicial circuit in the state of Indiana, in presence of both houses of the General Assembly; after which Mr. Ray delivered an appropriate address to both houses. The Senate then returned to their chamber, when Mr. Thompson was conducted to the chair by Mr. Stapp, President pro tempore, from whence he delivered the following address:

#### GENTLEMEN OF THE SENATE,

In taking this seat, and entering on the duties assigned me by the constitution, permit me to assure you, that it is with unfeigned diffidence, and a due sense of my inadequacy, that I approach the arduous and highly responsible task, of presiding over your deliberations. Having been associated for several years with many in this body, and with most of you in the other branch of our legislative councils, the sentiments of friendship, and fraternal feeling which I bring with me to this station, are the spontaneous effusions of my heart. With a deep and respectful sense of gratitude to the people of Indiana for the honour they have conferred on me, allow me gentlemen to mingle my cordial congratulations on the happy and prosperous circumstances under which we have assembled.

Blessed with a free constitution both in our federal and state character, enjoying peace at home, and reputation abroad, the great charters which secure our personal and social, our civil, political, and religious privileges, may justly be said, in the language of an enlightened statesman, to be in the full tide of successful experiment. Each annual return of the season of legislation bringing together the representatives of the people, for the purpose of combining the results of their deliberations for the promotion of the public good, furnishes new demonstration not only of the *excellence*, but of the *stability* of our institutions. Let it be our constant care, gentlemen, by discharging with zeal and fidelity the sacred trust reposed in us to preserve inviolate the rights of our constituents, whilst we endeavor to advance their prosperity and happiness by wise and salutary enactments; ever bearing in mind that by our legislation here, we are laying the foundation for the happiness or misery of millions yet unborn.

For the purpose then of arriving at the most happy result, gentlemen, it



would appear almost needless to urge the propriety of cherishing a spirit of moderation, mildness and forbearance in all our deliberations, and intercourse with each other.

For me on this occasion to expatiate on the necessity of order, and the inculcation of a spirit of harmony would be superfluous if not indelicate; inasmuch as I am perfectly aware, that on most occasions, it will be more appropriate for me to receive, than to impart instruction.

I would however respectfully remark, that among the various privileges of this body, there is none which ought to be more highly appreciated, than that of the unrestrained, free, and liberal expression of opinion; and that while each member enjoys, and jealously maintains this inestimable privilege in himself, he is sacredly bound to respect it in others.

In attempting to discharge the duties incident to this office, I shall, gentlemen, place the fullest and most implicit reliance on your liberal support, and generous and indulgent forbearance; without which, I am persuaded I shall wholly fail in my efforts to sustain the dignity of your proceedings. With the aid however, of your advice and friendly co-operation, and with a firm reliance on the assistance of a beneficent Providence, I shall cheerfully undertake to discharge the duties which lie before me—indulging the hope, that the deficiencies and mistakes which I fear may frequently surround my path, will be attributed to the imperfections of nature, and be regarded by your charity rather as errors of the head, than of the heart.

Mr. Montgomery, then moved the adoption of the following resolution, to wit:

*Resolved*, That the thanks of this Senate be presented to Milton Stapp, for the able manner with which he has presided over the deliberations of the Senate, since he was elected President pro tempore thereof. And on the question shall this resolution be adopted? It was unanimously decided in the affirmative.

And the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, DECEMBER 8, 1825.

The Senate assembled.

Mr. Watts laid before the Senate, the petition of Susan Loyd, praying a divorce from her husband, Charles W. Loyd; which was read, and with the accompanying documents, ordered to lie on the table.

Mr. Gregory laid before the Senate, the remonstrance of Elijah Tyner and others, against the passage of a law authorizing the removal of the seat of justice of Madison county, and embracing also other objects; which was read, and referred to a select committee, composed of Messrs. Gregory, Cotton and Watts, to report thereon.

Mr. Rariden asked, and obtained leave, to introduce a bill to regulate actions of trespass, slander and malicious prosecu-

tions; which was read, and ordered for second reading to-morrow.

Mr. Stapp offered the following resolution, to wit:

*Resolved*, That a committee be appointed on the part of the Senate, to act with a similar committee on the part of the House of Representatives, to wait upon his Excellency, the Governor, and request him to give to both Houses of the General Assembly, such information of the affairs of the state as he may be in possession of; and to recommend to their consideration such measures as he shall deem expedient—and to learn of him at what time, and in what manner, he will be pleased to make his communications; and that the House of Representatives be informed thereof, and a similar committee on their part requested. Which was read and adopted; and Messrs. Stapp, Graham of Jackson, and Cotton, were appointed that committee on the part of the Senate.

*Ordered*, That Mr. Farnham inform the House of Representatives of the passage of this resolution.

On motion by Mr. Graham,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of amending the law relative to divorces, by authorizing the courts to assign counsel to such applicants, as may appear unable to defray the expenses of prosecuting the same.

Mr. Stapp offered for consideration and adoption, the following resolution, to wit:

Whereas the commercial and agricultural interest of the state of Indiana, make it absolutely necessary that a canal should be made around the falls of the Ohio river as early as practicable: Therefore,

*Resolved*, That a committee be appointed to enquire into the expediency of memorializing and requesting the Congress of the United States, to advance to the state of Indiana, the sum of dollars of the three per cent fund that will be hereafter due to the state, (over and above the \$100,000 already appropriated to the opening and repairing public roads and highways) which sum when so advanced shall be appropriated to the commencement of said canal. And

On the question, shall this resolution be adopted? It was decided in the negative.

Whereupon,

Mr. Oliver, who had voted with the majority, moved for a re-consideration of the vote given on the foregoing resolution.

And on the question will the Senate re-consider their vote on the said resolution? The ayes and noes being demanded by two members;



*Those who voted in the affirmative were,*

Messrs. Cotton, De Pauw, Graham of Jackson, Graham of Clark, Gregory, Oliver and Stapp—7.

*And those who voted in the negative were,*

Messrs. Chambers, Colman, Ewing, Givens, Grass, Montgomery, Pennington, Rariden, Smiley and Watts—10.

So it was decided in the negative.

Mr. Thornton, principal clerk of the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That a committee be appointed on the part of this House, to act with a similar committee appointed on the part of the Senate, to wait upon his excellency, James B. Ray, and inform him, that if he has any communication to make to the present General Assembly, both houses are now ready to receive it; that the Senate be informed thereof. And that the House of Representatives have on their part, appointed Messrs. Fitzgerald, Keen and Wallace, said committee.

Mr. De Pauw offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That a committee be appointed to enquire into the expediency, manner and practicability of improving the navigable streams within and bordering on this state, with leave to report by bill or otherwise.

Which was read, and ordered to lie on the table.

Mr. De Pauw also, offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That a committee be appointed to enquire into the expediency of providing one or more farms, as an asylum or asylums for those persons, who by reason of age, infirmity or other misfortunes, may have a claim upon the aid and beneficence of society, pursuant to the fourth section, of the ninth article of the constitution of the state of Indiana; with leave to report by bill or otherwise.

Which was read, and ordered to lie on the table.

Mr. Stapp, from the joint committee appointed to wait on the Governor, and enquire of him if he had any communications to make to the present General Assembly, and to learn of him at what time and place he will make such communication, now reported—that the committee had performed that duty, and had received for answer, that he would make a communication to both Houses of the General Assembly, this day at 11 o'clock, in the Representative Hall.

On motion by Mr. Oliver,

*Resolved*, That a committee be appointed to enquire into the

expediency of providing by law, for the mode and manner of appointing or electing township officers—with leave to report by bill or otherwise.

And Messrs. Oliver, Ewing, Grass, Graham of Clark, and Cotton, were appointed that committee.

The House of Representatives, by Mr. Thornton, their Clerk, now informed the Senate, that the House of Representatives had passed the following resolution, to wit:

*Resolved*, That the Senate be invited to take their seats in the Hall of the House of Representatives, instantler, to receive the message of his Excellency, the Governor.

Whereupon,

The Senate, preceded by the Lieutenant Governor, proceeded to the Representative Hall, and took their seats upon the right of the Speaker's chair; upon which Mr. Ray was introduced, and delivered to both Houses, the following address, to wit:

*Gentlemen of the Senate, and of the  
House of Representatives,*

With a lively and grateful sense, let us first acknowledge the Supreme goodness of an Almighty Providence for the numerous instances in which he has peculiarly favoured our Land.

Permit me to embrace this opportunity to congratulate you upon the prosperous situation of our country, and the favourable auspices under which you have assembled. Our common country is in the full enjoyment of peace and that portion of prosperity and happiness which our liberal institutions are calculated to ensure; the productions of our soil have ensured the warmest hopes of the agriculturalist; our citizens during the past year have generally enjoyed an unusual portion of health; the accession to the population of our state during the past season by means of emigration has exceeded all former example; the resources of the state are gradually developing, and our finances are improving with a rapidity that answers our most sanguine expectations. But while we indulge ourselves in a gratifying review of the past and in a pleasing contemplation of our present and future situation, let us not forget that unfeigned thankfulness and gratitude are *continually due to "Him"* from whom all blessings flow for these signal manifestations of his divine and beneficent regard.

Although the fertility of our soil and the variety of its productions, aided by the industry and economy of our citizens, after supplying an abundance for a rapidly increasing population, and placing all above the fear of want, furnish a large

surplus of produce for market, yet the uncertainty of our only attainable market and the difficulties to be surmounted, and expense to be incurred, by a large portion of our citizens in reaching that market, prevent them from realizing those advantages which their situation and circumstances would otherwise command, and operate as a dead weight upon the industry and enterprise of the State.

For a long period previous to the late war, the continued struggle for power in Europe, called immense numbers of their hands from the plough to fill their armies. Agriculture was neglected, whole countries were overrun, and the people as well as the armies were in a measure compelled to look to the United States for a considerable portion of their subsistence. American produce found a ready market in every port in Europe, and the high prices which it commanded, enabled the Farmer in every part of the country to incur the expense of a difficult and tedious transportation; and yet to realize a handsome profit upon his labour. Nor was this prosperous state of affairs materially changed by the commencement of the late war, with Great Britain. In consequence of the war, large disbursements of public money were made by the General Government in every part of the country; a general rage for speculation was excited—numerous banks with a fictitious capital were established; immense issues of paper were made and the circulating medium of the country was increased four fold in the course of two or three years. A natural consequence of this great increase of what was then deemed equivalent to money, was that a fictitious value was placed upon labour, and every species of property; the estimate upon every thing was in reality a deception—a specious fraud upon the world; money, *as it was then called*, was easily acquired, and the people too generally, and too easily indulged in visionary dreams of wealth and splendour.

But this state of things could not last: the general pacification of the old world, and the consequent disbandment of their numerous armies again tenanted their long uncultivated fields; agriculture was so far encouraged, that every nation on the continent produced an ample supply of the necessities of life, for their own consumption, and our American produce, could no longer find a market in that hemisphere. About the time that the nations of the East assumed their pacific attitude, peace was concluded between this country and great Britain; the extraordinary flow of money from our treasury was discontinued; our army was reduced; the newly created banks, began to fail;—specie disappeared—the fictitious circulating medium of the country became trash in the hands of the people—wages and



every species of property suffered an unprecedented depression in their value, and the industry of the country suffered a shock, from which in many places it has not yet recovered. The evils and embarrassments too, of this sudden change were more severely felt in the grain growing states, than in the South; as the planter has still been enabled to find a market for his cotton, sugar and tobacco.

To find a remedy for the pressure which operated so severely upon the agriculturist, in consequence of this sudden depression in the market, has occupied the attention and called forth the exertions of the best talents of our country; and the remedies that have been adopted and pursued with so much success in other states, may advantageously be referred to, in considering of the means to be adopted for the amelioration of the condition of our own citizens.

In some of the states, a part of the capital which had formerly been successfully employed in commercial enterprise, has been employed in manufacturing establishments, by which large numbers have been withdrawn from the pursuits of husbandry and a home market created for a great portion of the surplus produce of the Farmer.

In other states, in addition to the establishment of manufactories, large portions of the dormant capital of the country which had been withdrawn from mercantile pursuits, now no longer profitable, has been called forth and put into active circulation among the people in works of internal improvement. In many of the states these remedies have been completely effectual; the cry of "hard times" is no longer heard and a new impulse has been given, and new resources have been opened, to the industry and enterprise of the citizens.

The state of Ohio having become sensible of the advantages to be derived from the prosecution of a system of internal improvement has recently commenced the construction of two Canals, one of which is to open a communication between the river Ohio and Lake Erie. By this enterprise her citizens will be at once benefited, by the expenditure among them of large sums of money, furnished by Eastern capitalists. Employment will be found for large bodies of her citizens, who have heretofore been unprofitably engaged in the cultivation of the soil; a new and advantageous market will be opened for the surplus produce of the country, and a stupendous public work will be completed, which will be a permanent source of revenue to the state; besides leaving upon the pages of American history an instructive and illustrious demonstration of the energy and public spirit, of a free and infant republic.

This taken in connexion with the great artificial channel in

New York, which the thunder of a thousand pieces of artillery has just announced as finished, cannot fail to give the North an advantage over the tropical climes.

The citizens of Indiana are still laboring under the difficulties produced by the causes to which I have alluded: and their relative situation with regard to markets, and the difficulties to be encountered, and the expense to be incurred in reaching their only approachable market, fluctuating and uncertain as it is, afford but small inducements to individual exertion and enterprise, as yet, in comparison with the inducements and facilities, that are presented in some of our sister states, where the languishing industry of the country has been revived, by the prosecution of public works, to a successful issue.

Let us for a moment cast our eyes on a map of our own state, and examine the natural facilities for improvement, which are there obviously and impressively presented to view. The Wabash is a stream of great length: It runs through some of the most fertile portions of the state, and with the exception of the rapids near the mouth of White river, is deemed navigable for steam boats, during most of the seasons as far up as the mouth of the Tippacanoe: But these falls render the navigation of the river impracticable for a large portion of the year. This obstruction is situated upon that part of the river which forms the common boundary between this State and Illinois; and from a correspondence which I have had with the Governor of that state, I have the satisfaction to inform you, that he tenders us every assurance, that the state of Illinois is willing to co-operate with this state in any measure that can be agreed upon, to remove this impediment in the stream.

The navigable parts of the Wabash and the Maumee of the Lake, approximate very near to each other. By means of a canal of about twenty-eight miles in length, commencing at the junction of the St. Mary's and St. Joseph's, and terminating at the mouth of Little River on the Wabash, the navigable parts of those two rivers would be connected, and an uninterrupted water communication opened between the cities of New Orleans and New York, with the exception of the rapids before mentioned, in the Wabash, and the rapids situated near the mouth of the Maumee. The obstruction in the Maumee, which may be easily obviated, is situated in the state of Ohio, and must claim the early attention of that state, as it is in contemplation to extend the Dayton canal to a point on the Maumee above the rapids.

It will not for a moment be contended that the resources of this state are as yet equal to the accomplishment of works of equal magnitude with those in New York, Pennsylvania or Ohio;

but, including the grant of land made by Congress, the waters of the Wabash and the Maumee can be made to mingle, and the aforementioned obstructions can be removed, at an expense not exceeding the one twentieth of the amount of capital employed in Ohio. May we then not indulge the hope that at some day not far distant, this almost natural channel of communication between the East and the West will be opened, and a great commercial thoroughfare established through the interior of our state; that we may witness with delightful sensations the various products of all countries, securely freighted in vessels floating upon its bosom.

The law of congress, approved, May, 1824, authorising this state to open a Canal through the public lands, to connect the navigation of the river Wabash and the Miami of the Lake, seems to have been predicated upon a belief, that the Indian title to the lands through which the proposed canal would pass, had already been extinguished. It is ascertained however, that the Indian title to a principal part of the lands through which the canal must necessarily pass, has not yet been obtained by the General Government, consequently it is doubted whether this state can, without a violation of the rights of the natives, as acknowledged and recognised by the Federal government, proceed to survey and mark the route of the proposed channel, for the purpose of availing herself of the donation under the provisions of the law of Congress, until these claims are quieted.

From authentic representations by those acquainted with the Indian affairs, it is believed that the Indians are inclined to dispose of their right of soil in that quarter of the state. It is therefore submitted to your consideration, whether a proper representation of this subject ought not to be made to our representatives in congress, accompanied with a request to endeavor to procure an extinguishment of the Indian title to these lands. And should we conclude to accept of the proposition of the General Government, it will be necessary to pass a law, authorizing the survey at as early a day as practicable.

From the prevailing sentiment in favour of internal improvements, manifested by every department of the General Government, I think there is good reason to believe, that if the subject is brought before Congress at their present session, a grant of lands and privileges, much more liberal and beneficial could be obtained for this important purpose, than those contained in the act above mentioned.

The policy of opening a canal at the falls of the Ohio, has for some years, been undergoing the ordeal of public investigation, and it is but reasonable to suppose, that at this time,



public opinion is prepared to respond to the question. It is not contended that this canal is of general interest to the state, except as a permanent and productive source of revenue; although a very respectable portion of our citizens are immediately interested in the great facility it would afford them, in the navigation of the Ohio; but it should be remembered "that a benefit to one part of the state, without an actual deprivation to the other parts, is a benefit to the whole." It is certain that works of this magnitude, should never be undertaken without the approbation of public opinion, for no act of the Legislature can ever be permanent or beneficial, when the settled determinations of the country are arrayed against it. When we consider the large sums which are annually paid for transportation around the falls of the Ohio, the active, extensive, and increasing commerce carried on by means of that mighty river, and the immense value of the water power for machinery, that would be acquired by the construction of the canal, we are forced to appreciate its utility. We cannot refrain from fixing a high estimate upon this particular spot of ground, within our jurisdiction, when we reflect that so small an improvement, will enable us to demand a tribute from the head of navigation on the Ohio, to the mouth of the Mississippi; and when the Ohio canal is completed, we may expect a brisk trade from Canada to Europe; which will sufficiently indicate the importance of the work. Should you be satisfied that the public voice sanctions this project, and that the state of Kentucky will forbear to rear up a ruinous competition, by the completion of a similar work on the other side of the river, you will have but little difficulty in coming to a conclusion favourable to the commencement of this long agitated work. The whole length of the canal will be about three miles, and the expense is estimated at about three hundred thousand dollars; and when the vast amount of property which is annually transported on the Ohio, is taken into consideration, and compared with the amount transported on the New-York canal, it is believed that there will be but few who will withhold their assent to the opinion, that there is no point in the western country, where an equal profit could be derived, from the expenditure of the same amount of capital, provided we could be permitted to enjoy it without competition. To raise the necessary funds for the completion of such works, by a system of taxation, would be impracticable: the people could not sustain the pressure.—Pursuing the course of other states on similar occasions, the money might be raised by loans, and means provided for the regular payment of the accruing interest.

As connected with this subject, I cannot forbear the mention

of a warm solicitude which is manifested by the citizens of the eastern part of this state, for the construction of a canal from Lawrenceburg, on the Ohio, to Fort Wayne. They have already taken steps to procure a survey of the route, and it is understood have received assurances from a most respectable source, that the funds necessary to complete the work, can be procured from some of the eastern cities, so soon as a charter of incorporation sufficiently liberal in its provisions can be procured from the Legislature of this state. As it is understood that this project has no design upon the public purse, and as the completion of the work will be of great and unquestionable utility, it is believed that no objection will be urged against granting a charter, as liberal in its principles as may be consistent with the policy, constitution and laws of the state. Our state pride should incline us to give an impulse to designs of this useful character, so eminently calculated to give us that standing in the Union to which we aspire.

The commissioner appointed by the last General Assembly to examine the obstructions in the two White rivers, and report the same, together with an estimate of the expense of their removal, to this session, has entered upon that duty, and in due time will lay before you the result of his examinations.

The two White rivers and their tributaries, water a very considerable portion of the state, and at certain seasons of the year, are navigable nearly two hundred miles from their junction with the Wabash. It is believed that these obstructions may be removed, and the navigation rendered comparatively secure, at an expense within the present means of the state; when they will prove valuable auxiliaries to the exporting citizen. This subject ought to claim the undivided attention of the Legislature.

I have said this much on the subject of internal improvements, because it seems to be demanded by the general necessity and spirit of the times. Canals for facilitating the means of commercial intercourse, between distant points, are of acknowledged utility, as means of giving a new impulse to the agricultural and manufacturing interests of the country, and improving the finances of the state, besides giving life and animation to the whole body politic. But schemes of this kind should not be hastily entered into, merely from a spirit of emulation, or a thirst for ephemeral glory. We should be satisfied that the extent and commercial importance of the navigation to be connected or improved, are sufficient to place *beyond doubt* the success and public utility of the work. When satisfied on these points, the means of the state may be safely employed.—The interest of no community can ever be jeopardised by bor-



rowing money under these circumstances, to expend upon permanent and imperishable works of public utility for the internal improvement of the country, which is a common benefit to all, when it is reduced to a reasonable certainty that the profits arising from such improvements, will annually exceed the interest of the sum expended, and gradually extinguish the principal. It is this policy alone, which will enable us to enjoy in an ample manner, the numerous advantages with which nature has surrounded us.

It has been generally expected that during the present season the *National Road* would have been permanently located through Indiana; but circumstances have disappointed our wishes. As this road proceeds towards the setting sun, we feel an increased anxiety that it may be completed as soon as possible through this rising state. Under the influence of these feelings, and with due deference to the wisdom and good motives of Congress, and to the zeal and industry of our own members, allow me respectfully to submit to your consideration, whether a memorial to that body, expressing the hope which we entertain, that *respectable annual* appropriations will be made out of the national treasury, towards the continuation of that grand turnpike, would not furnish our Delegates in Congress with materials that would enable them to operate successfully in this matter in our behalf, besides having a happy influence upon that interesting question.

By virtue of the compact entered into between this state and the United States, three per cent. on the sales of all public lands within our boundaries, was granted to this state, to be applied, under the direction of our Legislature, to the making of *Roads* and *Canals* within the state. At the session of 1821-2, the Legislature passed a law authorizing the location of a number of Roads and appropriated One Hundred Thousand Dollars of the three per cent. fund for opening the same. At that time there was due to the state on that fund upwards of Forty Thousand Dollars, and the law provided for a dividend and expenditure of the residue of the sum appropriated as it may accumulate. It is well worthy of inquiry, whether the large expenditures that have already been made have answered the expectations of the public? Whether large sums have not been paid to numerous commissioners for services that could as well have been rendered by one third of the number employed, and at little more than one third of the expense? Whether a number of the roads opened under the provisions of the law, are not entirely useless to the public, and even suffered to become altogether impassable by a second growth, and neglect to keep them in repair? Whether the whole of

the fund can be appropriated for an indefinite period, exclusively to *Roads*, when *Canals* are embraced in the compact? If you should think it expedient to continue this law in force any longer, it is respectfully submitted to your consideration whether it would not render the fund more effective, to reduce the number of commissioners, and change the provisions of the law, so as to prohibit a division of the fund amongst the several commissioners until a certain amount had accumulated, and to extend the scale of appropriation to other sections of the state, which have been settled since the passage of the law?

In obedience to the resolutions of the last General Assembly inviting General Lafayette to visit this state, and requesting the Executive and citizens to "receive him with the honors due to the illustrious Guest of the State and Nation," I proceeded, in conjunction with many of our distinguished citizens, to the town of Jeffersonville, where he was welcomed to our soil in such a manner as was thought most consistent with the character and circumstances of the state. The resolutions authorized the Governor to draw on the contingent fund for the payment of the expenses incurred; and the committee of arrangements have reported to me that the whole expense amounted to the sum contained in the accounts and vouchers which are herewith respectfully submitted for your inspection. This reception of the "filial disciple of Washington," and friend of America and rational liberty throughout the world, was, it is hoped, congenial to the wishes and feelings of the General Assembly, and under the joint counsel of many who stand high in public esteem, was conducted with an eye to economy and a decent respect for the character of the state. If it were the object of the resolution to maintain the honour of the government, and barely make a public acknowledgement of our gratitude to a national benefactor, *with true and genuine republican simplicity*, that end has been accomplished. That I had the honour in conjunction with so many of my fellow citizens to greet the presence of this illustrious veteran in the cause of liberty and our country, and to express to him our unalterable sentiments of gratitude and admiration, will ever be a source of the most grateful recollection.

By the 4th section of the 9th article of the constitution of this state it is made the duty of the General Assembly "as soon as circumstances will permit," "to provide one or more farms to be an *Asylum*, for those persons who by reason of age, infirmity or other misfortunes, may have a claim upon the aid and beneficence of society on such principles, that such persons may therein find employment and every reasonable comfort,

and lose by their usefulness the degrading sense of dependence."

The uniform silence of our legislature on this subject, is sufficient to induce a belief that this benevolent provision has not yet received that consideration to which it is entitled. Few things are better calculated to ensure us that honourable elevation to which our young state aspires, than for the world to witness the representatives of our free population, in the exercise of their high functions, engaged in laying a foundation that will guarantee comfort and happiness to the unfortunate poor. It is the poor and needy that can justly claim more of our deliberations than the affluent, whose wealth sets legislative interposition at defiance. Viewing the construction of an Asylum or Asylums, as institutions, in which the citizens of all the states by some unhappy accident may be doomed to participate; and as there is yet, within our limits immense tracts of waste lands belonging to Congress, we ought not to suppose that an application to that body for a small tract of land to aid this philanthropic design, would be unsuccessful.

The existing law for the support of the poor, though perhaps as good as any that could be devised under the existing system is radically defective in the principles of humanity to the unfortunate, as well as in economy of expenditure. These unhappy objects of public charity are sold like merchandize or cattle in a public market to persons who are generally induced to become their purchasers from motives of *gain* or *avarice*, rather than humanity and benevolence, and the public charity thus offered, is often made a curse instead of a blessing. To me this practice seems degrading to our character as a christian people. Instead of lessening the sense of dependence as is contemplated in the humane provision in our constitution, such a mode of relief is calculated to *lacerate* anew the already wounded sensibility, to increase the sense of degradation, and changes the unfortunate dependent from an object of public charity into a means of *private speculation*. That this system is defective in point of economy, will at once appear obvious, by refering to the items of expenditure in the several counties in this state which I will endeavour to procure and lay before you. It is submitted to your consideration, whether the spirit of the above provision of the constitution cannot be carried into effect efficiently, by dividing the state into districts of counties, or larger, and making provisions for the establishment of an Asylum in each, where under the care of a single superintendent, made responsible for his conduct, the poor, deaf, dumb and unfortunate of the district may be collected; and those of them, of capability occupied in some useful employment con-



tributory to their subsistence. It is believed that upon this system the poor can be maintained at an expense little exceeding one-half of that which is paid by the people under the present system, besides affording abundantly the milk of human kindness.

The first section of the ninth article of the Constitution provides that "the General Assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvements, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures and natural history; and to countenance and encourage the principles of humanity, industry and morality." The utility and importance of the measures contemplated by this provision will at once be admitted. The only diversity of opinion will be, as to the means by which they are to be effected. Agriculture and manufactures are of the most immediate importance to the present and future growth of the state: and as these are the pursuits, which from our local situation, must necessarily employ a large proportion of our population; and as these too are the pursuits that mainly contribute to the wealth and prosperity of the state, the passage of a law authorising and encouraging the formation of societies for the purpose of awarding premiums for the best specimens of agricultural production, and domestic manufacture, would if carried into effect, be highly beneficial to the country, by exciting a spirit of industry and improvement.

By the second section of the same article of the constitution it is made the *duty* of the General Assembly as soon as circumstances will permit, "to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be *gratis* and *equally open to all*." There is no subject more worthy the attention of the representatives of a free people, than that of providing means for the education of *all* classes of society, rich and poor together, in the same manner and at the same school: Nor is there a more effective method of suppressing vice, and giving countenance to, and encouraging the principles of "humanity, industry, and morality:" nor is there any better method of bringing native genius to light and usefulness. It is one of the first duties of a government, as well as of an individual, to provide the means necessary for their own existence. It has been well said that "knowledge is power" and that "ignorance is the footstool of despotism." Our's especially, is emphatically a government of the people, and its very existence depends upon their virtue and intelligence. A well educated people

will always be virtuous. They only want to know their rights, to protect and defend them.

By a grant of Congress, a section of land in each township in this state, has been invested in the inhabitants of such townships for the use of Common Schools; two entire townships have been invested in the Legislature for the use of a State Seminary, and by a provision of our constitution, all fines assessed for a breach of the penal laws, and all commutations for militia services, are appropriated to the use of County Seminaries. The common school lands are estimated at six hundred and eight thousand, two hundred and seven acres, which, at two dollars per acre, would produce a fund of one million two hundred and sixteen thousand four hundred and forty-four dollars. This sum at interest at six per centum per annum, would produce seventy-two thousand nine hundred and eighty-six dollars yearly. There is now forty thousand nine hundred and sixty acres of college lands granted to the state; all of which will show that we are furnished *with means*. It still remains for the Legislature to improve and increase these several funds, so as to carry this general scheme of education into complete effect. For further and better information on this subject in detail, permit me to refer you to the able and lucid report of a committee raised by a joint resolution of the General Assembly, approved January 9th, 1821, which was made at the ensuing session, and is now on file in the office of the Secretary of State. This report is worthy an attentive examination. I will remark, however, that this report is predicated upon a supposition that the Legislature can legally sell the lands for the use of township schools. Upon this point much doubt and great diversity of opinion exists, and it is believed that upon an attentive examination of the terms of the compact granting the sale of these lands, the right to sell will at least appear questionable, and the reasoning to support that position loose and unsatisfactory, unless the consent of the landholders in each township can be obtained. It may be noticed that section No. 16, in each township is *granted to the inhabitants of such township for the use of schools*; and they may view it as an incident to their purchase. There can be no doubt as to the right of the Legislature to sell the seminary lands, for they are by the terms of the grant "*vested in the Legislature,*" to be appropriated solely to the use of a Seminary by the Legislature; and the 1st section, 9th article of the constitution wisely intimates the propriety of a sale of these lands after the year 1820. It may well be worth your attention to enquire whether they are not daily diminishing in value under the existing mode of leasing them.

The Seminary at Bloomington, supported in part by one of these townships, is in as flourishing a condition as could have been anticipated. Tuition is comparatively cheap, and no pains are spared to make the institution respectable. It cannot, I think, fail to receive our patronage. It has been suggested, that it would be serviceable to the Seminary, to place it under a directory remote from the place of its location.

The Secretary of State will lay before you the result of the enumeration of the free white male inhabitants of this state, authorized by an act of the last General Assembly, to a conformity with which the rates of representation are at this session to be reduced. In noticing the present strength of the state it may not be uninteresting to take a review of its *unparalleled increase* for the last twenty-five years. In the year 1800, it is supposed the territory contained 5,000 souls; in 1805, the population is estimated at 11,000; in 1810, at 24,000; in 1815, at 68,780; in 1820, when a census was taken under a law of the United States, at 147,178; in 1825, on a fair computation, at 250,000. Thus we perceive that our increase since 1800, proceeding in geometrical ratio, has amounted almost to a duplication every five years. Calculating upon a multiplication of inducements to settle our domains, and the continued expansion of our territory, by the year 1830 we will appear respectable in the councils of the federal government. To know that at this time we can number forty thousand citizen soldiers, gives us a presentiment of our glorious destiny.

With respect to fixing the ratio of representation, I can do but little more than to say that your own intelligence and knowledge of the people's wishes, will enable you to make the most satisfactory disposition of that difficult question. The ratio upon which the present apportionment was fixed, was as near as possible at one Senator for every eighteen hundred polls, and one representative for every seven hundred. To continue this ratio, would make a considerable addition to your present number, and to increase it so as to avoid an addition of your number, would necessarily lessen the number of Senators and Representatives from particular districts. You will no doubt enter upon the consideration of this question, with a proper regard to the rights of representation, at the same time keeping in view such economy of expenditure as the situation of our finances require.

The agent of the state at this place, will report to you the situation of Indianapolis affairs, by which you will see that a great number of lots, which were sold in the year 1821, are likely to be forfeited to the state.

Sundry resolutions from different states, relative to a resolution of the Ohio Legislature on the subject of slavery, have been received and are herewith submitted: Also, some resolutions relative to the proposition by the Georgia Legislature for an amendment of the constitution of the United States, which are also submitted.

It will probably be necessary, for the purpose of availing ourselves of the benefit of a law of Congress, passed at the last session, extending to the Adjutant, Major and Brigadier Generals of the several states the privilege of franking their communications, to pass a law making it the duty of those officers to make the necessary indorsements upon all letters or packages they may transmit to each other, containing military returns or commissions:

The militia law of this state, in defining the duties of Quartermaster General, has required from him, services equally arduous and more responsible than those of the Adjutant General, without allowing any compensation therefor; the consequence is, that the office will not be accepted.

The Auditor and Treasurer, whose special duty it is to report to you the situation of their several departments, will lay before you the state of the finances. It will be seen that there is considerable diminution in the amount of revenue from the last preceding year, growing out of the act of the last session, lessening the tax on land. The revenue assessed for the present year amounts to forty thousand dollars. From former delinquent lists of almost twelve thousand dollars, it is thought that the treasury will realize three thousand. It may reasonably be calculated from past events, that eight thousand dollars of the above aggregate amount, may be deducted for delinquencies and commissions; leaving for the treasury thirty-five thousand dollars. Of this sum it is believed that about five thousand dollars will be paid in outstanding claims against the state, and held by the collectors.

Thus there may be expected in the treasury on the first day of January, 1826, of available funds, the sum of *thirty thousand dollars*, to liquidate the demands of the current year. The ordinary expenses for the year, including the civil list and contingencies, will be about twenty-two thousand dollars; leaving eight thousand dollars, which may be appropriated towards sinking the public debt. The public debt is sixteen thousand, nine hundred and twenty dollars, and seventy-three cents, and consists of the following items, to wit: To the United States' assignees of the Vincennes bank, \$2,313 36, principal and interest; to the road and canal fund, \$6,475 principal and interest; treasury notes in circulation, and interest on the same, \$1,580; to the seminary fund, \$1,252 37, principal and interest; and to Frederick Rapp, \$5,330, principal and interest. It may be presumed that about three thousand dollars of this debt will be demanded during the ensuing year—hence there will be \$5,000 left in the treasury, subject to the will of the legislature.

It is your duty to provide the ways and means for the following year. To effect this purpose, the present posture of affairs will enable you to see your way clearly. Almost out of debt, and capable of meeting all the demands that will arise on the treasury during the fiscal year, and with a great



increase of resources; it cannot be doubted, that the existing revenue laws will produce an abundance of means for the common purposes of the state.— It is believed that during the next season, there will be upwards of five hundred thousand additional acres of lands subject to assessment, which have heretofore been exempted for five years under the compact. From the unparalleled migration to our soil this year, we cannot well avoid the conclusion, that with vigilance on the part of officers, there will be an addition to the poll list also, including the increase by emigration, of rising seven thousand. Taking this view as correct data, the next assessment will be upwards of fifty thousand dollars, under the operation of the present law. At a period like this, when the farmer finds it difficult to sell his produce for cash, it will not be expected that more revenue will be exacted than is necessary, under the most rigid economy, for present use. If improvements are contemplated let us resort to a different state policy to raise the means. As the tax upon lands was moderately lessened last year, I am impressed with a belief, that you may safely diminish the assessment on the head one fourth. I have chosen this object, because a poll tax seems to be the most odious to the people; being often viewed in no better light than as a remaining badge of British vassalage. For the harmony and good of society, it is equally as necessary that the revenue should be raised to public satisfaction, as that it should be demanded with certainty, and upon principles of equal justice. Knowing from experience, that it is more difficult to get rid of an evil, than to introduce one, it might not be good policy to reduce this tax more than a fourth at present, and so on each year for four years, when it will be dismissed from our statutes. It will be found also, that the principal cause that originally induced it, is ceasing to exist. Many articles of pleasure and luxury might be selected with more propriety, than the heads of freemen. The additional certificates of several clerks of persons unassessed, is an evidence of negligence on the part of assessors, which ought to be remedied. Before I conclude this subject, I must express my regret, that the Auditor has not yet been able to procure all the registers and maps required by the act of the last session. It may be well for the Legislature not to lose sight of such an important addition to the revenue system.

You have recently had occasion to learn that there is an alarming defalcation some where, in the discharge of a most important constitutional, legal and moral duty. It seems that there are eleven counties in this state from which no returns for Governor and Lieutenant Governor have been received. It is of no avail to impose heavy penalties on Clerks, to induce them to put a single return into a post office, whilst post masters, through whose hands these returns pass, are subject to no penalty whatsoever. It will be vanity to labour to preserve the freedom and purity of elections too, if such scenes as we have just witnessed are suffered to pass unnoticed. A law requiring the clerk in each county to transmit to the Speaker of the House of Representatives, and President of the Senate, duplicate returns by some special messenger, for whose integrity he should be responsible, (but not for unavoidable accidents,) and also one by mail, might prove more effective in always securing to the people the person of their choice.

Having detained you long enough, suffer me to conclude by reserving to myself the privilege of communicating to you in separate messages, the situation of the Penitentiary affairs, and some other matters of interest.

If my assistance and cordial co-operation, in any good measure will have the effect of facilitating your deliberations in the discharge of your high prerogative, and of bringing the session to a close as soon as practicable, I beg you, at all times, to command my services.

JAMES B. RAY.

December 8, 1825.

And the Senate returned to their Chamber.

On motion by Mr. De Pauw,

*Ordered*, That five hundred copies of the Governor's message be printed for the use of the Senate.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Gregory offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the thanks of the Senate be tendered to the Hon. Jonathan Jennings, former Governor of the state of Indiana, and now one of the Representatives in Congress from said state, for the patriotism, by him manifested, in procuring at his own expense, and now deposited in the office of the Secretary of state, the superb and elegant bust or statue of the illustrious Major-General Lafayette—And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—12.

*And those who voted in the negative were,*

MESSRS. Colman, Ewing, Givens, Graham of Clark, and Pennington—5.

So it was decided in the affirmative—and Mr. Gregory ordered to communicate a copy of said resolution to Mr. Jennings.

On motion by Mr. Pennington,

The Senate according to order, proceeded to the second reading of the bill from the House of Representatives, providing a mode for contesting the election of Governor and Lieutenant Governor. And the same having been read a second time,

Mr. Pennington moved, that the said bill be committed to a committee of the whole Senate, and made the order of the day for this day now—And on the question, shall this bill be committed to a committee of the whole Senate, and made the order of the day for this day now? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Montgomery, Oliver, Pennington and Rariden—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Ewing, Graham of Clark, Gregory, Smiley, Stapp and Watts—7.



So it was decided in the affirmative.

The Senate then, according to order, resolved itself into committee of the whole, on the said bill:

Mr De Pauw in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through all the details of said bill, had instructed him to report the same to the Senate, and ask leave to sit again.

And by unanimous consent, leave was granted.

And the Senate adjourned to 9 o'clock to-morrow morning.

## FRIDAY, DECEMBER 9, 1825.

The Senate assembled.

Mr. Grass laid before the Senate, the petition of John E. Cotton praying additional compensation for erecting a bridge over the river Patoka; which was read, and referred to a standing committee on roads, to be appointed; and Messrs. Grass, Gregory, Rariden, Montgomery and Stapp, were appointed a standing committee on public roads and highways.

Mr. Colman laid before the Senate, the petition of John Talbot and others, praying the erection of a new county of out of the county of Wabash; which was read and referred to a select committee, composed of Messrs. Colman, Chambers, Smiley and Ewing, to report thereon.

Mr. Gregory, offered for consideration and adoption the following resolution, to wit:

*Resolved by the Senate,* That the Secretary of state be authorized and requested, to cause proper bolts, hasps or fastenings to be provided for the window blinds of the court house in Indianapolis, so that the same can be securely kept open or shut as occasion may require; which was read and adopted.

Mr. Ewing offered for consideration and adoption the following preamble and resolution, to wit:

Whereas a resolution was adopted on yesterday giving to the Hon. Jonathan Jennings, the thanks of this Senate, and the attribute of patriotism, for the purchase and transmission of a common green coloured plaister bust of our late guest, the veteran patriot, General Lafayette, whose character and person

every freeman venerates and loves; and whereas the peoples representatives, should not in their legislative capacity predicate the glorious appellation of patriotism, upon a purchase so general and so common, that indicates nothing beyond the individual feeling of every citizen of the United States.

*Resolved*, That the courtesy of Mr. Jennings, however acceptable, will admit of no expression of derivative patriotism on that account, as a representative of the people; it is thought his patriotism should be judged and tested by his own public acts; which was read. And

On the question, shall the said preamble and resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Ewing, Givens and Pennington—4.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, De Pauw, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—13.

So it was decided in the negative.

On motion by Mr. Givens,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of repealing so much of the law regulating the jurisdiction and duties of Justices of the peace as requires writs of scire facias to issue against the bail or stays on judgments obtained before Justices of the peace, and to so amend the same, as that execution may issue against the bail in the same manner as they now do against the bail or stays on judgments in the circuit courts—with leave to report by bill or otherwise.

The orders of the day having been called for, the joint resolution relative to an exchange, and binding, of the statute laws, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill regulating actions of trespass, slander and malicious prosecution, was also read a second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

On motion by Mr. Pennington,

The Senate again resolved itself into committee of the whole on the engrossed bill providing a mode for contesting the election of a Governor and Lieutenant Governor:

Mr. De Pauw in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order had the said bill under consideration, had made sundry amendments thereto, and had instructed him to report the same to the Senate and request their concurrence therein.

And the said amendments were handed in at the secretary's table, severally read and concurred in.

Mr. Ewing, then moved further to amend the said bill by adding thereto the following section, to wit:

"Sec. In all cases of contest under this act, the notice of contest shall be signed by at least ten free white male citizens, qualified electors within this state. And

On the question, shall the said bill be so amended? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Ewing, Gregory, Oliver, Rariden, Smiley and Watts—8.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, Givens, Graham of Jackson, Graham of Clark, Grass, Montgomery, Pennington and Stapp—9.

So said amendment was rejected. And

On motion,

The Senate adjourned to two o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The bill providing a mode of contesting the election of Governor and Lieutenant Governor, was taken up. When

Mr. Stapp moved to further amend the bill, by adding after the word Indiana, the following words, to wit: "and that the charges and specifications, or points on which he means to rely, as set forth in the notice delivered to the person whose election is about to be contested, are true, as he verily believes."

And on the question, shall the bill be so amended? It was decided in the affirmative.

Mr. Ewing then moved further to amend the said bill by adding thereto, the following section, to wit:

SEC. Before the appointment of any committee, as in this act is provided, the General Assembly shall be satisfied, that the allegations set forth in the oath and notice of the contestor, contain sufficient grounds of contest."

And on the question, shall this amendment be adopted? The ayes and noes being demanded by two members:



*Those who voted in the affirmative were,*

MESSES. Chambers, Colman, De Pauw, Ewing, Graham of Clark, Gregory, Oliver, Smiley, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Cotton, Givens, Graham of Jackson, Grass, Montgomery, Pennington and Rariden—7.

So it was decided in the affirmative, and the said amendment adopted.

Mr. Ewing then moved further to amend the said bill, by adding thereto the following section, to wit:

SEC. The proceedings authorized by this bill, shall not disqualify any person from the office of Governor, who shall have resided in the Indiana Territory two years next preceding the adoption of our present constitution."

And on the question, shall the said bill be so amended? The ayes and noes being demanded by two members:

Mr. Ewing voted in the affirmative.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—16.

So the said amendment was rejected.

Mr. Ewing then further moved to amend the said bill, by adding thereto, the following:

"SEC. In all cases of contest under this act, ten qualified electors shall have signed the allegations and notice set forth as ground of proceeding; and they shall stand jointly and severally liable to the state, for the amount expended in prosecuting such contest, if they should fail in sustaining the same."

And on the question, shall the bill be so amended? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Ewing and Rariden—2.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley, Stapp and Watts—15.

So the said amendment was rejected.

The said bill was then amended in sundry unimportant details, and the amendments ordered to be engrossed, and with the bill read a third time to-morrow.

The following communication and report, from the Treasurer of state, were laid before the Senate by the President; severally read, and referred to the committee of ways and means, to wit:

TREASURY DEPARTMENT, }  
DECEMBER 3d, 1825. }

SIR—Herewith is submitted the annual report required from this office, to be laid before the Senate.

Yours, respectfully,  
S. MERRILL.

Hon. JOHN H. THOMPSON, President, &c.

In obedience to the provisions of the act, concerning the Auditor of public accounts and the Treasurer of state, the following exhibit of the revenue and expenditure of the state, from the 1st Jan. to the 3d December, 1825, is respectfully submitted.

Amount in the Treasury at the commencement of the above term,	\$26,587 78
During the same the receipts for revenue of 1822, amount to	772 06
“ 1823,	1,205 88
“ 1824,	7,328 96
“ 1825,	6,954 84
From the seminary fund,	325 00
The agent for Indianapolis,	4,890 82
Collections from property not assessed, reported to this office,	103 30
From paymaster of 40th regiment for fines collected of persons conscientiously scrupulous of bearing arms,	7 00
Penalty for delay of payment by collector of Madison,	6 32

Total, \$48,181 96

The following sums have been paid during the above period;

For public printing,	964 93
For stationary,	204 87
Interest on treasury notes,	285 93
For contingent expenses,	1,665 28
For expenses of the last Legislature,	6,832 76
“ of Presidential election,	50 32
“ of state prison,	453 61
“ of Seat of Government,	6,023 51
“ of the Judiciary,	3,418 48
“ of the Executive,	1,471 23
“ of Circuit prosecutors,	1,135 00

" of the Attorney General,	-	50 00
" of the Adjutant General,	-	73 08
This department is entitled to a credit for treasury notes burnt, pursuant to an act of the last Legislature, amounting to		
	-	18,541 00
Balance on hand,	-	7,011 95
		<hr/>
		\$48,181 96

The following items constitute the state debt:

Outstanding warrants,	-	691 00
Treasury notes in circulation,	-	1,459 00
Estimated interest,	-	120 00
Executive claims not audited,	-	500 00
Judiciary,	-	2,275 00
Circuit prosecutors,	-	437 50
To A. Baddollet, for register and map, &c.	-	280 62
Claim for printing,	-	40 00
To U. S. assignees of Vincennes bank,	-	1,873 17
Interest,	-	440 19
To road and canal fund,	-	5,000 00
Interest,	-	1,475 00
Seminary fund,	-	1,296 96
Interest,	-	113 18
Frederick Rapp,	-	5,000 00
Interest,	-	300 00
		<hr/>
		\$21,301 62

There is also due the contractors for building the court-house in Indianapolis, to be paid from proceeds of sales of lots,

915 97

The following statement of the assessments and receipts for revenue since the year 1820, while it affords encouraging evidence of the increase of our means, exhibits an alarming increase of delinquency.

Assessments for 1820,	-	\$14,978 85
" 1821,	-	23,048 92
" 1822,	-	33,527 86
" 1823,	-	37,875 51
" 1824,	-	44,445 11
Receipts from same	-	\$12,344 33
" "	-	19,682 35
" "	-	26,081 15
" "	-	27,434 31
" "	-	34,022 26

There will no doubt be further payments on the above, but the amount cannot be considerable.



Pursuant to the provisions of the militia law, returns of fines assessed on persons conscientiously scrupulous of bearing arms have been made to this office from the 8th, 9th, 11th, 19th, 30th, 38th, 40th & 48th Reg'ts. amounting in the whole to \$332 50. Of this sum only seven dollars have been paid. A revision of the law on this subject is respectfully suggested so far as to compel punctual returns, and to require the collectors instead of the paymaster, to pay the money into the Treasury.

At the last term of the Marion circuit court judgment was obtained against the late Treasurer for the balance in his hands, amounting to \$1,150 78.

I have the honor to be,

SAMUEL MERRILL, Treas'r State.

On motion by Mr. De Pauw,

*Resolved*, That the Secretary of the Senate direct the public printer, to print as early as practicable, one hundred copies of the rules of the Senate, adding thereto the joint rules of both houses, for the use of the Senate. And

The Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, DECEMBER 10, 1825.

The Senate assembled.

Mr. Stapp laid before the Senate, the petition of James Morrow and others, praying the passage of a law confirming or legalizing the conveyance of certain real estate; which was read and referred to a select committee composed of Messrs. Stapp, Rariden and Graham of Jackson, to report thereon.

Mr. Stapp, also laid before the Senate the petition of Thomas Alexander, setting forth certain grievances sustained from the commissioners of one of the state roads, and praying redress therein; which was read and referred to the committee on public roads and highways.

Mr. Gregory, from the committee on unfinished business, reported a bill supplemental to the act, entitled "An act regulating the practice in suits of Law;" which was referred to the judiciary committee.

On motion by Mr. Ewing,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of repealing so much of the act regulating the jurisdiction of justices of the peace, as author-

izes the appellant in judgment to receive and file the transcript and original papers in the circuit court, and to amend said act so as to render it the duty of the justice to hand over the papers to the clerk, or be responsible for the same.

Mr. Cotton, from the select committee, to whom was referred the petition of Joseph Smith, praying exemption from poll tax, now reported—that, in the opinion of the said committee, the prayer of the petitioner is unreasonable, and ought not to be granted; and the said report was read and concurred in.

The engrossed bill from the House of Representatives, as amended in the Senate, was read a third time. And on the question shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Pennington, Smiley, Stapp, and Watts—13.

And Mr. Graham of Clark, voted in the negative.

So the said bill was passed, and Mr. Farnham instructed to inform the House of Representatives thereof, and request their concurrence in the said amendments.

On motion by Mr. Gregory,

Mr. Stapp, was added to the committee on military affairs.

And the senate adjourned to 2 o'clock P. M.

*2 o'clock, P. M.*

The Senate assembled.

In the absence of the President of the Senate, Mr. Stapp was called to the chair by unanimous consent—when

Mr. Stapp laid before the Senate, the following communication and annual report of the Auditor of public accounts, to wit:

#### AUDITOR'S OFFICE,

December 10th, 1825.

*To the Hon. the President of the Senate,*

SIR—In obedience to an act of the General Assembly, entitled "An act concerning the Auditor of public accounts and Treasurer of State," I have the honor herewith to transmit you my annual report.

I have the honor to be, &c.

WM. H. LILLY, Aud. Pub. Ac'ts.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "An act, concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There was remaining in the Treasurer's hands, on the 31st Dec., 1824, as per former report, provided all claims audited to that date have been paid, the sum of \$25,331 59

Since the above period to the 3d Dec., 1825 inclusive, there has been received from sundry collectors on account of balances due for 1822, the sum of 772 06

From sundry collectors for balances due for 1823, the sum of 1,205 88

“ sundry collectors for the year 1824, the sum of 7,328 96

“ sundry collectors for the year 1825, the sum of 6,954 84

From the commissioners of the seminary lands in Gibson county, 325 00

For delinquencies from the counties of Parke, Jackson, Washington, for 1823—from Switzerland for 1820, & Jennings for 1824, amounting in all, to 73 80

From Benjamin J. Blythe, agent at Indianapolis, the sum of 4,890 32

“ the paymaster of the 40th regiment for fines collected, 7 00

For unlisted lands for Allen and Union counties, for the years 1824 and 1825, the sum of 29 50

For damages collected from the collector of Madison county for 1824, 6 32

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Making in all, the sum of \$46,975 77

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Since the above periods there has been audited in liquidation of the expenses of the presidential election, the sum of \$10 00

In liquidation of the state prison, the sum of 771 61

In liquidation of the judiciary department, 2,823 00

In liquidation of the last General Assembly, and special appropriations which come under no general head, 6,638 56

In liquidation of the seat of government, including one thousand dollars paid for building the Treasurer's and Auditor's offices; also four thousand eight hundred and ninety dollars and eighty-two cents, paid the commissioners of Marion county towards completing the building of the courthouse, the sum of 6,223 51

In liquidation for stationary furnished the last General Assembly, 204 37

In liquidation of the attorney general's salary, 50 00

In liquidation of expenses for circuit prosecutors, 920 50



In liquidation of the executive department including fifty dollars for house rent for the Governor,	1,471 23
In liquidation of militia expenses,	73 08
In liquidation of public printing, the sum of	964 93
In liquidation for interest on treasury notes,	285 93
In liquidation of the contingent expenses,	1,665 28
In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt pursuant to an act of the last General Assembly, to the sum of	18,541 00

Making in all, the sum of \$40,643 50

Which deducted from the sum of \$46,975 77 as reported to have been received, will leave a balance in the hands of the Treasurer, provided all the claims audited to this date have been paid, the sum of \$6,332 27

The assessments of all the counties in the state for revenue for the year 1825 amounts to \$40,131 39

Of which the amount assessed for Poll tax amounts to \$18,417 00

For delinquents and unlisted lands for 1825 the following returns have been made:

From the county of Franklin \$107 57; Fayette \$45 47; Wayne \$42 05; Ripley \$81 33; Sullivan \$23 72; Parke \$8 22; Allen \$3 50; Vermillion \$16 96; Monroe \$38 18; Union \$29 00; Crawford \$3 39; making in all the sum of \$399 39

Attempts were made at an early period to procure from the Land offices for this state the maps and registers of the entries of land, as required by the revenue law of the last session.—

No answer was received to the application to the Register of the Cincinnati land office, and the register at Jeffersonville and Vincennes at first declined engaging on terms that the appropriation last session would have justified. In June however a contract was made with the latter for his district, and which was completed in November, and has lately arrived at this office. The registers for the balance of the State are making out at the Surveyor General's office on much more moderate terms than they could be procured elsewhere; they are to be furnished for one dollar twelve and a half cents per township. That for the Cincinnati district arrived a few days since, the balance are expected shortly.

Respectfully submitted,

WM. H. LILLY, Aud. Pub. Acct's.

And the said report being read at the Secretary's table, was referred to the committee of ways and means. And  
The Senate adjourned to Monday morning 9 o'clock.

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MONDAY, DECEMBER 12, 1825.

The Senate assembled.

Mr. Stapp from the select committee on the petition of James Morrow and others, now reported a bill for the benefit of William Reed; which was read a first time, and ordered for second reading to-morrow.

On motion by Mr. Graham of Clark,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of providing by law, for the payment to the treasuries of the proper counties, such fines as are imposed on convicts confined in the state prison, as may be received by the superintendant thereof.

On motion by Mr. Graham of Jackson,

*Ordered*, That Mr. Graham of Clark, be added to the judiciary committee.

On motion by Mr. Cotton,

*Ordered*, That the petition of Susan Betts, praying a divorce, be referred to the judiciary committee.

• Mr. Smiley offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the auditor of public accounts be requested to report, forthwith to the Senate, the nett amount of public revenue received and due from each county in the state, for the year 1825; separately naming each county, and affixing thereto their nett revenue; together with the amount collected by each collector, or by him reported as unassessed.—poll tax in each county by name; and that the Secretary of the Senate forward a copy of this resolution to the auditor of public accounts immediately.

And the said resolution having been read, was ordered to lie on the table.

The Senate now, according to order, resolved itself into committee of the whole, on the joint resolution of the General Assembly relative to binding the statute laws of this state in certain cases:

Mr. Colman in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said resolution with an amendment; which was read, and concurred in.

And the said resolution as amended, was ordered to be engrossed, and read a third time to-morrow.

Mr. Thornton, principal Clerk of the House of Representatives, informed the Senate, that the House of Representatives had passed the following resolution, to wit:

*Resolved*, That the committee on education, appointed on the part of this House, are hereby instructed to meet the committee appointed on the part of the Senate, at such time and place as the chairmen of their respective committees may appoint—that the Senate be informed thereof, and a similar resolution on their part requested. Also that they have passed an engrossed bill, to amend the act entitled “An act to establish seats of justice in new counties, approved, January 14, 1824;” in which they request the concurrence of the Senate—also that they concur in the first amendment proposed by the Senate, to the bill from the House of Representatives, providing for contesting the election of Governor and Lieutenant Governor, with sundry amendments; that they agree to the second and third amendments made by the Senate to the said bill; that they disagree to the fourth amendment made by the Senate to the said bill—in which bill and amendments to the amendment, they request the concurrence of the Senate.

The Senate then proceeded to consider the amendments made by the House of Representatives, to the amendment made in Senate, to the said bill. The object of which amendment made in Senate was, to constitute a committee to try the contested election of Governor and Lieutenant Governor, composed of an equal number of each House, to wit: Seven members from each House; and the amendment made by the House of Representatives, was by striking out the same, and constituting a committee for the purpose of trying said contest, composed of *only* four members from the Senate, and nine members from the House of Representatives. And

On motion by Mr. Stapp,

*Ordered*, That the Senate insist on their first amendment made to said bill; which leaves the committee for trying the said contest, composed of an equal number from each House.

The Senate then proceeded to consider the fourth amendment made by them to the aforesaid bill, and disagreed to by the House of Representatives, which reads in the following words, to wit:

SEC. 6. Before the appointment of any committee as in this act provided, the General Assembly shall be satisfied that the



allegations set forth in the oath and notice of the contestor, contain sufficient grounds of contest." When,

Mr. Stapp moved, that the Senate insist on said amendment. And on the question, will the Senate insist on said amendment? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Ewing, Graham of Clark, Gregory, Oliver, Smiley and Stapp—8.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, Givens, Graham of Jackson, Grass, Montgomery, Pennington and Rariden—8.

And the Senate being equally divided, Mr. President voted in the negative.

So it was decided that the Senate do not insist on retaining said amendment.

Mr. Graham of Jackson, then moved that the Senate recede from said amendment; which was decided in the affirmative.

*Ordered,* That Mr. Farnham inform the House of Representatives, that the Senate have disagreed to the amendment made in that House, to the first amendment made in Senate to the said bill; and have receded from the fourth amendment made in Senate to said bill; and which last amendment was disagreed to in the House of Representatives.

The engrossed bill from the House of Representatives, to amend the act, entitled "An act to establish seats of justice in new counties," approved, January 14, 1824, was taken up and read; when,

Mr. Pennington moved, that the said bill be rejected.

And upon the question, shall this bill be rejected? It was decided in the negative, and the said bill ordered for second reading to-morrow.

On motion by Mr. Stapp,

The Governor's message was committed to a committee of the whole Senate, and made the order of the day for this day.

On motion by Mr Ewing,

*Resolved,* That the Senate reciprocate the resolution of the House of Representatives, in regard to a joint meeting of the committee of education. And Mr. Farnham was directed to communicate that information to the House of Representatives.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Rariden moved a re-consideration of the vote, given by the Senate in the forenoon, receding from their fourth amend-

ment made to the bill, providing for contesting the election of Governor, and Lieutenant Governor; when after much discussion on the said motion, it was decided to be out of order, the bill and amendments having previously been ordered to be delivered to the House of Representatives by the President of the Senate.

On motion by Mr. Graham of Clark,

The Senate now according to order resolved itself into committee of the whole Senate on the Governor's Message:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Grass reported: That the committee of the whole Senate had according to order, had the said Message under consideration; and had passed sundry resolutions thereon, which the said committee had instructed him to report to the Senate, and request their concurrence therein.

And the said resolutions being handed in at the Secretary's table, and severally read as follows, to wit:

1. *Resolved*, That so much of the Governor's message as relates to the improvement of the river Wabash, and the connection of its navigation with the Miami of the lake; and so much thereof as relates to the improvement of the two White rivers; and so much thereof as relates to the location and progress of the National road, through our state, be referred to a select committee; and that so much thereof as relates to schools, be referred to the committee on education.

2. *Resolved*, That so much of the Governor's message as relates to the canal at the falls of the Ohio river, be referred to a select committee with leave to report thereon, by bill or otherwise.

3. *Resolved*, That so much of the Governor's message as relates to the militia, and militia officers, be referred to the military committee.

4. *Resolved*, That so much of the Governor's message as relates to the poor, be referred to a select committee.

5. *Resolved*, That so much of the Governor's message, as relates to the encouragement of agriculture and domestic manufactures, be referred to a select committee.

6. *Resolved*, That so much of the Governor's message as relates to the Whitewater canal be referred to a select committee.

7. *Resolved*, That so much of the Governor's message as relates to state roads be referred to a select committee to report by bill or otherwise.

And that so much thereof as relates to the defalcation of

clerks in making returns of the election for Governor and Lieutenant Governor, be referred to the committee on the judiciary, and concurred in.

On motion by Mr. Stapp,

*Resolved*, That so much of the Governor's message as relates to the seminary at Bloomington, be referred to the committee on education; and so much thereof, as relates to the revenue, be referred to the committee of ways and means; and so much thereof as relates to the emancipation of slaves be referred to a select committee.

Mr. Thornton, principal clerk of the house of Representatives, informed the Senate, that the House of Representatives insist on the amendment made by them to the first amendment proposed by the Senate to the engrossed bill from the House of Representatives, "providing for contesting the election of Governor and Lieutenant Governor," and that they have passed an engrossed bill for the relief of Benjamin F. Barker, and Henry Waggoner; an engrossed bill legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties for the year eighteen hundred and twenty-five; an engrossed joint resolution for the relief of John Anderson and John M. Clelland; and an engrossed bill to repeal an act, authorizing the administrators of John H. Piatt deceased, to sell certain lands therein mentioned; in all of which they request the concurrence of the Senate.

The bill to repeal an act authorizing the administrators of John H. Piatt deceased, to sell certain lands therein mentioned; was read a first time—the rule requiring bills to be read on three several days dispensed with, by a vote of two thirds of the Senate, and the said bill read a second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The joint resolution, for the relief of John Anderson and John M. Clelland; the engrossed bill legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties, for the year eighteen hundred and twenty-five; and the bill for the relief of Benjamin F. Barker and Henry Waggoner, from the House of Representatives; were severally read a first time and ordered for a second reading to-morrow.

On motion by Mr. Peanington,

*Resolved*, That a committee of free conference be appointed on the part of the Senate to act with a similar committee to be appointed on the part of the House of Representatives, on the subject matter of difference between the two houses, relative to the amendment made by the House of Representatives to the amendment made by the Senate, to the bill providing for con-



testing the election of Governor and Lieutenant Governor, and that the House of Representatives be informed thereof, and a similar committee on their part requested; and that Messrs. Graham and Stapp, are that committee on the part of the Senate, and Mr. Farnham was directed to inform the House of Representatives thereof, and request on their part, a similar committee.

Mr. Graham of Jackson, laid before the Senate, sundry vouchers of the agent of the three per cent fund, of payments by him made to the order, of the several road commissioners; all of which were referred to the committee of ways and means, to whom had been referred the annual report of the said agent.

On motion,

Mr. Stapp was added to the committee on the judiciary, and also to the committee of ways and means.

And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, DECEMBER 13, 1825.

The Senate assembled.

Mr. Gregory laid before the Senate, the petition of Harvey Pope and others, praying the establishment of a new state road, commencing on the Brookville road, where the same crosses Whitewater river, and running thence, the nearest and best way to Indianapolis; and the said petition having been read, was referred to the committee on state roads.

Mr. Chambers laid before the Senate, the petition of Jonathan Gifford and others, praying that the said Gifford, (on account of bodily disability,) be released from the fulfilment of a certain lease at the French Lick; which petition was read, and referred to a select committee, composed of Messrs. Chambers, Grass and Colman, to report thereon.

Mr. Oliver laid before the Senate, the petition of Edward Toner and others, praying certain alterations in the election law, so that persons be confined to vote in their respective townships; and that all township officers be elected at the general elections; which petition was read, and referred to the committee on elections, to report thereon.

Mr. Graham, from the committee of ways and means, to whom was referred the report of the agent of the three per cent. fund, now reported a preamble and joint resolution, on the subject of the three per cent. fund; which were read, and ordered for second reading to-morrow.

Mr. Colman from the select committee, to whom was referred the petition of John Talbot and others, now reported a bill for the formation of the county of Tippecanoe, out of the county of Wabash; which was read a first time, and ordered for second reading to-morrow.

Mr. Graham asked and obtained leave, to introduce a joint resolution, relative to recording the official correspondence of the Governor of this state, with the President of the United States, and with the Governors of all other states and territories; which was read a first time, and ordered for second reading to-morrow.

Mr. Thornton, from the House of Representatives, informed the Senate, that the House of Representatives had passed the following resolution, to wit:

*Resolved*, That a committee of free conference be appointed on the part of this House, to confer with a similar committee appointed by the Senate, to take into consideration, the subject matter of difference existing between the two Houses, relative to the amendment proposed by the Senate, to the engrossed bill from the House of Representatives, providing for contesting the election of Governor and Lieutenant Governor—and that the House of Representatives have on their part, appointed Messrs. Sweetser and Palmer, the committee of free conference on that subject.

Mr. Ewing offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That so much of the Governor's message as relates to the law passed at the session of 1821-2, appropriating one hundred thousand dollars of the three per cent. fund to roads, be referred to a select committee, with instructions to report by bill or otherwise.

And the said resolution having been read, was ordered to lie on the table.

On motion by Mr. Cotton,

The petition of Susan Loyd, praying a divorce from her husband, was referred to the committee on the judiciary, to report thereon.

The bill for the benefit of William Reed, was read a second time, and ordered to lie on the table.

The engrossed bill from the House of Representatives, to amend the act, entitled "an act for the incorporation of towns," was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill to amend the act to establish seats of justice in new counties, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution from the House of Representatives, for the relief of John Anderson and John McClelland, was read and laid on the table.

The engrossed bill legalizing the proceedings of the boards of justices of the counties of Vermillion and Hamilton, was read a second time, and ordered to lie on the table.

The bill for the relief of Benjamin F. Barker and Henry Waggoner, was read a second time; when

Mr. Ewing moved, that the further consideration of the said bill be postponed indefinitely. And

On the question, shall the further consideration of this bill be indefinitely postponed? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Ewing, Graham of Jackson, Graham of Clark, Rariden and Smiley—6.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, De Pauw, Givens, Grass, Gregory, Montgomery, Pennington and Stapp—9.

So it was decided in the negative; and the said bill was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thornton, principal Clerk of the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved,* That the committees of the two Houses on military affairs, be requested to meet together, at such time and place as the chairmen of the respective committees may appoint, and report such amendments to the militia law now in force, as they deem expedient; and that the Senate be informed thereof, and a similar resolution on their part requested—and that they have also passed a bill legalizing the proceedings of the school trustees of congressional township No. 13, in range No. 13, in Fayette county; in which they request the concurrence of the Senate.

The full wing select committees were appointed on the Governor's message, on the following subjects, to wit:

On so much thereof as relates to the river Wabash, and the connection of its navigation with the lakes, and so much thereof as relates to the improvement of the two White rivers, the National Road and education, Messrs. Ewing, Montgomery and Colman.

On so much thereof as relates to a canal at the falls of the



Ohio river, Messrs. Graham of Clark, De Pauw, Graham of Jackson, and Stapp.

On so much thereof, as relates to the poor, Messrs. De Pauw, Grass, Ewing and Gregory.

On so much thereof as relates to state roads, Messrs. Givens, Chambers, Gregory and Cotton.

On so much thereof as relates to the Whitewater canal, Messrs. Smiley, Oliver, Watts and Rariden.

On so much thereof as relates to the improvement of agriculture and domestic manufactures, Messrs. Colman, Montgomery, Rariden and Cotton.

On so much thereof as relates to the seminary at Bloomington, and the resolutions of the state of Ohio, respecting slavery, Messrs. Stapp, Graham of Jackson, and Pennington.

And so much thereof as relates to the revenue, was referred to the committee of ways and means.

And so much thereof as relates to the defalcation of Clerks in making proper returns, to the judiciary committee.

And so much thereof as relates to the militia of this state, to the committee on military affairs; with leave to report on those several subjects, by bill or otherwise.

And the senate adjourned to 2 o'clock P. M.

*2 o'clock, P. M.*

The Senate assembled.

The engrossed bill from the House of Representatives, legalizing the school trustees of congressional township, No. 13, in range No 13, in Fayette county, was read a first time, and ordered for second reading to-morrow.

The engrossed joint resolution, relative to an exchange and binding the statute laws of this state, was read a third time, and passed; and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate according to order, now resolved itself into committee of the whole, on the bill to repeal the act authorizing the administrators of John H. Piatt, deceased, to sell all the real estate of said deceased within the state of Indiana:

Mr. Pennington in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Pennington reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein.

The said amendments being handed in at the Secretary's ta-

ble, were severally read, concurred in, and ordered to be engrossed, and with the bill read a third time now.

Whereupon,

The said amendments having been engrossed, the aforesaid bill as amended, was read a third time, and passed—and Mr. Farnham directed to inform the House of Representatives thereof, and request their concurrence in the said amendments.

Mr. Ewing offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That this Senate will hereafter dispense with the usual adjournment at noon, and continue in session from ten A. M., until five P. M. on each day.

When, after some discussion on the said resolution, without coming to any conclusion thereon, the Senate adjourned to nine o'clock to morrow morning.

### WEDNESDAY, DECEMBER 14, 1825.

The Senate assembled.

Mr. Thornton, principal clerk of the House of Representatives now informed the Senate, that the House of Representatives concur in the amendments proposed by the Senate, to the engrossed bill from the House of Representatives, to repeal the act entitled "an act authorizing the administrators of John H. Piatt, deceased, to sell certain lands therein mentioned."

Mr. Stapp, from the committee of ways and means reported a bill relative to the agent of the three per cent. fund; which was read, and ordered for second reading to-morrow.

Mr. Pennington, offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the Senate will on this day at 2 o'clock P. M. meet the House of Representatives in the Representative Hall for the purpose of electing an Auditor, and a Treasurer of State; and that the House of Representatives be informed thereof, and a similar resolution on their part requested. And on the question, shall this resolution be adopted?

It was decided in the negative.

Mr. Rariden, offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the committee to whom was referred the apportionment of the representation of this state, in the General Assembly, be instructed to apportion the same at a ratio of one

representative to not less than eight hundred polls, and one senator to two thousand polls. And

On the question shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Rariden, Smiley and Stapp—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, and Watts—14.

So the said resolution was rejected.

Mr. De Pauw, from the committee on the subject, reported a bill apportioning Senators and Representatives to the General Assembly, in the several counties in this state; which was read and ordered for a second reading to-morrow. When

Mr. Ewing moved, that one hundred copies of the said bill be printed, for the use of both houses of the General Assembly; which motion did not prevail.

On motion by Mr. Ewing,

*Resolved,* That a committee on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives to examine the offices of the Auditor of public accounts, and the Treasurer of state, and report the result of said examination to their respective houses, that the House of Representatives be informed of this resolution and a similar one on their part requested.

*Ordered,* That Mr. Farnham, inform the House of Representatives, of the adoption of the foregoing resolution, and, that Messrs. Ewing and Graham of Jackson, are appointed that committee on the part of the Senate.

The President laid before the Senate the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT, }  
Dec. 13, 1825. }

*To the Hon. the President of the Senate,*

I have the honour to enclose you a communication, received from the commissioner of the General Land Office, in relation to the three per cent. fund, which you will please to lay before the House over which you preside.

I have the honour to be, with

great respect your ob't. serv't.

J. BROWN RAY.

TREASURY DEPARTMENT, }  
GENERAL LAND OFFICE, 30 March, 1825. }

SIR—I have the honour to inform you that the nett proceeds



arising from the sales of public lands in the state of Indiana, for the half year ending on the 31st December, 1824, amount to one hundred and ninety-nine thousand, and thirty-two dollars, and seventy-one cents, on which the fund of three per cent. accruing to the state of Indiana, is five thousand nine hundred and seventy dollars and ninety-eight cents.

With great respect,  
**GEORGE GRAHAM.**

**THE GOVERNOR OF THE  
 STATE OF INDIANA.**

Whereupon,

On motion of Mr. Graham of Jackson,

The said communications were referred to the committee of ways and means.

The President also laid before the Senate the following communication from the Hon. Bethuel F. Morris, President Judge of the fifth judicial circuit of the state of Indiana:

INDIANAPOLIS, Dec. 9, 1825.

GENTLEMEN OF THE SENATE,

The 13th section of the "Act regulating the fees of the several officers, and persons therein named," approved January 30, 1824, provides, that "whenever there shall appear a claim for official services rendered by any officer of a court of justice, and there does not appear to be any fee fixed by law, as a compensation therefor, the court on application shall make an order specifically fixing the allowance for such claim," and that the presidents of the several circuits shall report all such cases to the next General Assembly.

By an order of the Marion circuit court, at their April term 1825, the following allowances were made for official services for which there does not appear to be any compensation fixed by law.

For each official or other bond, not otherwise provided for	\$0 56
For qualifying any person into office, and endorsing and filing the oath,	00 25
For letters of guardianship, qualifying the guardian, and the necessary orders of appointment,	1 00
For a replevin of record and acknowledgment,	00 50
For a license to venders of merchandize with the certificate and seal annexed,	00 50

It was further ordered, that for serving notices, copies of orders and copies of rules, when done by order of the court, the sheriff shall be allowed the same fees, as are fixed by law for serving other mesne process.

The law does not fix any compensation for the services of Associate Judges.

I am respectfully, &c.

B. F. MORRIS.

PRES. FIFTH JUDICIAL CIRCUIT.

And, on motion of Mr. Graham of Jackson,

The said communication was referred to the judiciary committee.

The President also laid before the Senate the following communication from the Agent of the state, at Indianapolis:

AGENT'S OFFICE, }  
Dec. 13, 1825. }

THE HON. THE PRESIDENT OF THE SENATE,

SIR—I herewith transmit a schedule of all the lots sold in the town of Indianapolis from October 1821 to May 1825, with the gross amount of sales; also a statement of all monies received on account of sales of lots, rent and timber.

I am respectfully yours, &c.

B. J. BLYTHE,

AGENT FOR INDIANAPOLIS.

314 lots sold Oct. 1821 for	- -	\$35,595 75
17 " May, 1825	- -	3,328 25
20 out lots " 1825	- - -	1,469 60
20 " Jan. 1825	- -	1,955 60
3 brickyards,	- - -	344 00

---

\$42,693 20

Of the lots sold in Oct. 1821, 107 have been paid out, amounting to

6 on which four payments have been made	683 41 3-4
9 on which three payments have been made	623 68
23 on which two payments have been made	1,331 08
169 on which one payment has been made	3,727 60

Of the 17 lots sold in May, 1825, on 1 two payments have been made,

30 00

On 16, one payment has been made,

650 65

---

\$18,913 11 3-4

Of the out lots sold in Jan'y. and May, 1825,

6 have been paid out, making	\$418 15
2 on which two payments have been made,	59 71
32 on which one payment has been made,	556 63
1 Brick-yard paid out	81 00
2 do. on which one payment has been made,	52 60

Whole amount paid on lots,

---

\$20,081 20 3-4

Amount paid on rent account,	234 47 1-2
Amount paid on timber account,	27 56 1-4

Whole amount as per books of this office, \$20,343 24 1-2

Respectfully submitted,

B. J. BLYTHE,

AGENT OF STATE FOR INDIANAPOLIS.

And on motion of Mr. Graham of Jackson,

The said communication is referred to a standing committee, to be appointed on Indianapolis affairs.

Messrs. Oliver, Gregory, Graham of Clark, Pennington and Givens are appointed that committee.

The Senate now proceeded to the consideration of the resolution offered on yesterday by Mr. Ewing, relative to the hours of meeting and adjournment. And

On the question, shall the said resolution be adopted? It was decided in the negative.

The preamble and joint resolution, relative to the agent of the three per cent. fund, was read a second time, and ordered to be engrossed for third reading to-morrow.

The joint resolution relative to recording all official communications of the Governor and others, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill for the formation of the county of Tippecanoe, and the bill legalizing the proceedings of the trustees of congressional school section in town No. 13, range No. 13, Fayette county, were severally read a second time, severally committed to committees of the whole Senate, and made the order of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend an act entitled, an act for incorporating towns:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had according to order, had the said bill under consideration—had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein.

And the said amendments being handed in at the Secretary's table and read, were concurred in.

The said bill was then further amended in sundry of its unimportant details; and the amendments were ordered to be en-



grossed, and the bill as amended, to be read a third time tomorrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill, entitled an act to repeal the act entitled, “an act authorizing the administrators of John H. Piatt, deceased, to sell certain lands therein mentioned,” and find the same truly enrolled.

Mr. Thornton informed the Senate, that the Speaker of the House of Representatives had signed the enrolled bill entitled an act authorizing the administrators of John H. Piatt, deceased, to sell certain lands therein mentioned; and the said bill being handed to the President of the Senate, and by him signed, was returned to the committee on enrolled bills to be laid before the Governor for his approval and signature. And

The Senate adjourned to two o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw, from the joint committee on enrolled bills, now reported, that he did on this day hand to the Governor for his approval and signature, the enrolled bill entitled an act to repeal “an act authorizing the administrators of the estate of John H. Piatt, to sell all the real estate of the deceased in the state of Indiana.

The Senate now according to order resolved itself into committee of the whole Senate on the engrossed bill from the House of Representatives, for the relief of Benjamin F. Barker and Henry Waggoner:

Mr. Pennington in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order had the said bill under consideration, had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein; and the said amendments being handed in and read at the Secretary's table, were concurred in.

Mr. Ewing, then offered the following amendment to the said bill, to wit:

“*Provided*, That other individuals, who may conceive themselves losers by their contracts for building bridges and working upon state roads, shall invariably receive compensation in like manner upon application to the proper commissioners:”

And on the question, shall the said bill be so amended? It was decided in the negative.

The amendments were then ordered to be engrossed and with the bill read a third time to-morrow.

On motion by Mr. Stapp,

The bill for the benefit of William Reed was taken up, read a second time, and ordered to be engrossed for third reading to-morrow.

Mr. Smiley laid before the Senate, the petition of William Youse formerly sheriff of Union county, praying the passage of a law authorizing an allowance for certain delinquencies; which was read, and referred to a select committee composed of Messrs. Smiley, De Pauw and Rariden to report thereon.

On motion by Mr. Cotton,

*Ordered*, That Mr. Stapp be added to the committee on enrolled bills.

Mr. Graham of Jackson, offered for consideration and adoption the following resolution, to wit:

*Resolved*, That the judiciary committee be instructed to report a bill repealing all laws of this state, which go to prevent aliens from disposing of real estate in such manner as they may deem proper, not inconsistent with the laws of the United States, or the constitution of this state; and the said resolution having been read, was laid on the table.

Mr. Montgomery introduced a joint resolution, in relation to the three per cent. fund; which was read and ordered for second reading to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

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## THURSDAY, DECEMBER 15, 1825.

The Senate assembled.

Mr. De Pauw from the committee on the subject, now reported a joint resolution of the General Assembly, relative to purchasers of public lands; which was read, and ordered for second reading to-morrow.

Mr. Graham from the committee of free conference on the subject matter of difference existing between the two Houses, relative to the amendment made by the House of Representatives, to the amendment made in Senate, to the bill providing for contesting the election of Governor and Lieutenant Governor, now reported—that they have been unable to compromise the matter submitted to them.

Whereupon,

The said committee was discharged from the further consideration of the aforesaid subject.

Mr. Cotton then moved, that the Senate recede from their objection to said amendment; which amendment was in substance, by striking out the word seven, and inserting in lieu, the words "four from the Senate, and nine from the House of Representatives;" thereby appointing a committee, for trying contested elections of Governor and Lieutenant Governor, composed of four members of the Senate, and nine members of the House of Representatives, instead of seven from each House, as amended in Senate.

And on the question, will the Senate recede from their objection to said amendment? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, Montgomery and Rariden—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Oliver, Pennington, Smiley, Stapp and Watts—14.

So it was decided in the negative.

And Mr. Farnham was instructed to inform the House of Representatives that the aforesaid committee of free conference are discharged from the further consideration of the matter submitted to them.

Mr. Rariden from the judiciary committee, to whom the subjects had been referred, now reported—that the statute laws of the state, enable B. I. Harrison and others, to effect all the objects prayed for in their petition, and no legislative aid is necessary; and that the objects prayed for by Susan Loyd and Susan Betts, are already provided for by law; and that the several prayers of the said petitioners, are unreasonable, and ought not to be granted.

And the said report was read, and concurred in.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed an engrossed bill legalizing the marriage of William Wright, of Floyd county, and an engrossed bill requiring the secretary of state to procure a letter book for the use of the state; in which bills they request the concurrence of the Senate.

And the said bills being handed in at the Secretary's table, were severally read a first time, and ordered for second reading to-morrow.



Mr. Smiley from the select committee to whom was referred the petition of William Youse, now reported a bill for the relief of William Youse; which was read a first time, and ordered for second reading to-morrow.

On motion by Mr. Ewing,

*Resolved*, That the auditor of public accounts be requested to furnish to the Senate, as soon as practicable, a schedule of the quantity of land, the rates thereof, and the taxes charged thereon, in the different counties within this state, according to the returns made for the present year, and for counties that cannot be so given, according to the returns of the last year.

On motion by Mr. Graham of Jackson,

The resolution by him yesterday offered, and which was ordered to lie on the table, was taken up; and which resolution is in the words following, to wit:

*"Resolved*, That the judiciary committee be instructed to report a bill repealing all laws of this state, which go to prevent aliens from disposing of real estate in such manner as they may deem proper, not inconsistent with the laws of the United States, or the constitution of this state."

And the said resolution being under consideration—

Mr. Stapp moved to amend the same, by inserting the word "resident," previous to the word "aliens;" the effect of which proposed amendment, would be to confine the privilege intended to be granted, to resident aliens only. Which proposed amendment was rejected.

And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Ewing, Graham of Jackson, Graham of Clark, Gregory and Stapp—6.

*And those who voted in the negative were,*

MESSRS. Colman, De Pauw, Givens, Grass, Montgomery, Oliver, Pennington, Rariden and Smiley—10.

So it was decided in the negative.

And the senate adjourned to 2 o'clock P. M.

*2 o'clock, P. M.*

The Senate assembled.

The engrossed bill relative to the agent of the three per cent. fund, from the House of Representatives, the bill for the apportionment of Senators and Representatives of the General Assembly of Indiana, and the joint resolution relative to the agent of the three per cent. fund, were severally read a second time,

severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill to amend an act, entitled an act, providing for the incorporation of towns, was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Ewing, Graham of Jackson, Rariden, Smiley, Stapp and Watts—7.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery and Pennington—9.

So it was decided in the negative.

The engrossed bill for the benefit of William Reed; the engrossed bill to amend the act, entitled an act to fix the seats of justice in new counties, approved, January 14, 1824, and the joint resolution of the General Assembly, relative to the agent of the three per cent. fund, were severally read a third time, and passed; and Mr. Farnham was directed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed a joint resolution, of the General Assembly, which originated in the Senate, without amendment; also that they had passed a bill extending the jurisdiction of justices of the peace in civil cases, in which last mentioned bill they request the concurrence of the Senate; and the said last mentioned bill having been read—

Mr. Montgomery moved that the said bill be rejected: When, upon the question, shall this bill be rejected? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Givens, Montgomery, Pennington, Rariden, Stapp and Watts—6.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Grass, Gregory, and Smiley—10.

So it was decided in the negative; and the said bill ordered for second reading to-morrow.

The engrossed bill for the relief of Benjamin F. Barker, and

Henry Waggoner, and for other purposes, from the House of Representatives, was read as amended, a third time.

And on the question, shall this bill pass? The ayes and noes being demanded:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Pennington, and Stapp—11.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Jackson, Rariden, Smiley and Watts—5.

So it was decided in the affirmative; and Mr. Farnham directed to inform the House of Representatives, of the passage of the said bill, with an amendment, in which the concurrence of that house is requested.

On motion by Mr. Colman,

The committee of the whole Senate was discharged from the further consideration of the bill, for the formation of the county of Tippecanoe; and the said bill was amended by filling up some blanks, and ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill from the House of Representatives legalizing the proceedings of the school trustees of congressional township, No. 13, in Range No. 13, in Fayette county:

Mr. Cotton in the chair;

When after some time spent thereon,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration, had amended the same by striking out the first section, and had instructed him to report the same as amended, and request the concurrence of the Senate therein. And

On motion,

The Senate concurred in the amendment aforesaid; When, Mr. Pennington moved that the further consideration of the said bill be indefinitely postponed. And

On the question, shall the further consideration of this bill be postponed indefinitely? It was decided in the affirmative.

And the Senate adjourned to 9 o'clock to-morrow morning.



FRIDAY, DECEMBER 16, 1825.

The Senate assembled.

Mr. Oliver laid before the Senate the petitions of Thomas Crowen and others, and Moses Rarden and James Johnston and others, praying such amendments in the election laws, as will confine voters to vote in their proper townships, and that all township officers shall hereafter be elected; and the said petitions having been read, were referred to the same committee to whom a petition, on similar subjects had heretofore been referred.

Mr. Oliver, also laid before the Senate, the petition of Henry Peck and others praying the establishment of a certain state road in Franklin county; which was read and referred to the committee on state roads.

Mr. Gregory laid before the Senate, the petition of Hiram Aldridge and others, praying the establishment of a certain state road; which was read and referred to the committee on state roads.

Mr. Pennington laid before the Senate, the petition of James B. Slaughter and Daniel C. Lane, praying certain relief therein named; which was read and referred to the committee of ways and means.

Mr. Chambers, from the select committee to whom was referred the petition of Jonathan Gifford and others, now reported a bill for the relief of Jonathan Gifford and others; which was read a first time, and ordered for second reading to-morrow.

Mr. Ewing offered for consideration and adoption, the following resolution, to wit:

Whereas a law has heretofore found shelter in our statute book, allowing (and thus alluring) aliens to purchase, and during life to hold real estate; when such persons except under certain circumstances, cannot convey title by sale, or transmit their right to legitimate purchasers or heirs: And whereas, the barbarous subtleties of feudal law and contracted policy, upon which such precautionary enactments were originally founded, can never again become necessary to preserve the rights of a free, powerful and happy people, and seem to conflict with the just principles of our government, the immutable laws of morality, and the liberal policy which should constitute the basis of legislation in a state circumstanced as ours: Therefore,

*Resolved*, That a select committee be appointed to inquire into the expediency of repealing such existing enactments of this state as prohibit resident aliens from disposing of, or transmitting to resident purchasers or heirs, their real estate, under

such restrictions as may be deemed proper, not inconsistent with our supreme laws, and to report thereon.

And the said resolution having been read,

Mr. De Pauw moved to amend the same by striking out the preamble, which motion prevailed; and the resolution as amended was adopted; and Messrs. Ewing, Graham of Jackson, Stapp and Graham of Clark, were appointed that select committee.

Mr. Gregory laid before the Senate, the petition of Adam Winzell and others, praying an alteration in the boundaries of Madison county; which was read, and referred to the same committee, to whom had heretofore been referred the petition of Enoch Tyner and others, to report thereon.

Mr. Gregory introduced a bill for the improvement of the state road from Rushville to Indianapolis; which was read, and ordered to lie on the table.

On motion by Mr. Graham of Clark,

The Senate now proceeded to a re-consideration of their vote, given on yesterday, indefinitely postponing the further consideration of the bill legalizing the proceedings of the school trustees of congressional township No. 13, in range No. 13, in Fayette county. And the said vote having been re-considered,

On the question again recurring, shall the further consideration of this bill be postponed indefinitely? It was decided in the negative. And

On motion by Mr. Graham of Clark,

The said bill was re-committed to a committee of the whole Senate, and made the order of the day for this day now.

Whereupon,

The Senate now according to order, resolved itself into committee of the whole, on the said bill:

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had according to order, had the said bill under consideration—had made an amendment thereto, and had instructed him to request the concurrence of the Senate therein. And

On motion,

The said amendment was then read; which amendment was by reinstating the same section yesterday stricken out; thereby leaving the said bill as it came from the House of Representatives, and concurred in. And

On motion by Mr. Smiley,

The said amendment was ordered to be considered as engrossed, and read a third time now.

Whereupon,

The said bill was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Smiley, Stapp & Watts—11.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, Pennington & Rariden—4.

So it was decided in the affirmative, and the said bill passed without amendment; and Mr. Farnham was directed to inform the House of Representatives thereof.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed the following resolution, to wit:

*Resolved*, That a committee of two members, be appointed on the part of this House, to act with a similar committee heretofore appointed by the Senate, to examine the offices of the Treasurer of State, and Auditor of Public Accounts, and report the result of their examination, to their respective Houses; and that the Senate be informed thereof; and the House of Representatives have on their part, appointed Messrs. Keen and Posey, that committee. Also, that they concur in the amendments proposed by the Senate, to the engrossed bill from the House Representatives, entitled, an act to amend the act, entitled an act to establish seats of justice in new counties—approved, January 14, 1824. They also concur in the second, third and fourth amendments proposed by the Senate, to the engrossed bill from the House of Representatives, entitled “an act for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes;” but refuse to agree to the first amendment proposed by the Senate to said bill.

Whereupon,

Mr. Rariden moved, that the Senate adhere to their first amendment made to said bill.

And on the question, will the Senate adhere to their first amendment made to said bill? It was decided in the negative.

And on motion by Mr. Stapp,

*Ordered*, That the Senate insist on the first amendment proposed by them to the aforesaid bill; and that Mr. Farnham inform the House of Representatives thereof.

On motion by Mr. Ewing,

*Ordered*, That the joint committee appointed to examine the offices of Auditor of Public Accounts and Treasurer of State,



have leave to meet during the session of the two Houses; that the House of Representatives be informed thereof, and a similar order on their part requested.

And Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Chambers offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the Senate will proceed this day, at 2 o'clock P. M., to elect a sergeant-at-arms:

And the said resolution having been read, was ordered to lie on the table.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw, from the committee on enrolled bills, reported—That the committee on enrolled bills, had compared the enrolled joint resolution of the General Assembly, with the engrossed, and find the same truly enrolled.

Mr. Gregory moved, that the Senate do now proceed to reconsider their vote given on the forenoon of this day, insisting on the first amendment proposed in Senate, to the bill for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes.

And on the question, will the Senate re-consider that vote? It was decided in the negative.

The joint resolution of the General Assembly, relative to purchasers of public lands, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, legalizing the marriage of William Wright, of Floyd county, was read a second time, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives, requiring the Secretary of State to procure a letter book for the use of the state, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill for the relief of William Youse, was read a second time, and ordered to be engrossed for third reading to-morrow.

The bill extending the jurisdiction of justices of the peace in civil actions, was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

The engrossed bill for the formation of the county of Tippecanoe, was read a third time, and passed; and Mr. Farnham

was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now, according to order, resolved itself into committee of the whole Senate, on the bill for the apportionment of Senators and Representatives to the General Assembly of the state of Indiana:

Mr. Pennington in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through the whole bill, had instructed him so to report, and to request leave to sit again. And

On motion,

Leave was granted the committee of the whole Senate to sit again on the said bill.

The Secretary of the Senate was then directed to have seventy copies of the said bill printed, by the public printer, for the use of the General Assembly.

And the Senate adjourned to 9 o'clock, to-morrow morning.

## SATURDAY, DECEMBER 17, 1825.

The Senate assembled.

Mr. Graham from the committee of ways and means, to whom was referred the petition of James B. Slaughter and Daniel C. Lane, now reported a bill for the relief of sundry persons therein named; which was read, and ordered for second reading on Monday next.

On motion by Mr. Givens,

*Resolved*, That a committee of free conference be appointed by the Senate, to confer with a similar committee appointed on the part of the House of Representatives, on the subject matter of difference existing between the two Houses, on the bill for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes.

And Messrs. Grass and Montgomery, were appointed that committee on the part of the Senate; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request a similar committee on their part.

The bill for the relief of Jonathan Gifford and others, was read a second time, When,

Mr. Rariden moved, to postpone the further consideration thereof, indefinitely.

And on the question, shall the further consideration of this bill be postponed indefinitely? It was decided in the negative.

The said bill was then committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. De Pauw from the committee on enrolled bills, now reported—That they had compared the following enrolled with the engrossed bills, and find the same truly enrolled, to wit:

A bill entitled, an act to amend the act, entitled “an act to establish seats of justice in new counties, approved, January 14, 1824;” and

A bill entitled, “an act legalizing the proceedings of the school trustees of congressional township No. 13, in range No. 13, in Fayette county.”

The engrossed bill for the relief of William Youse, former sheriff of Union county, and the engrossed bill from the House of Representatives, legalizing the marriage of William Wright, of Floyd county, were severally read a third time, and passed; and Mr. Farham instructed to inform the House of Representatives thereof, and request their concurrence in the former of said bills.

The Senate now according to order, resolved itself into committee of the whole, on the bill relative to the agent of the three per cent. fund:

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had according to order, had the said bill under consideration—had made an amendment thereto, and had instructed him to request the concurrence of the Senate therein.

And the said amendment being read at the Secretary's table, was concurred in; and the bill ordered to be engrossed, and read a third time on Monday next.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following order, to wit:

*Ordered*, That the committee appointed on the part of this House, relative to the examination of the offices of the Auditor and Treasurer of State, be permitted to make that examination during the session of this House; and that the Senate be informed thereof. Also, that the Speaker of the House of Representatives having signed an enrolled joint resolution of the General Assembly, which he was directed to lay before the President of the Senate, for his signature. And also, that the



House of Representatives insist upon their disagreement to the first amendment proposed by the Senate, to the engrossed bill from the House of Representatives, for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes.

The President of the Senate, having signed the aforesaid joint resolution of the General Assembly, the same was handed to the joint committee on enrolled bills, to be laid before the Governor, for his approval and signature.

On motion by Mr. Chambers,

The resolution by him yesterday offered, and which was laid on the table, was now taken up; and which reads as follows, to wit:

*“Resolved, That the Senate will proceed this day at 2 o’clock P. M., to elect a sergeant-at-arms.”*

And the said resolution being read, was adopted.

On motion by Mr. Stapp,

*Ordered, That the committee of the whole Senate be discharged from the further consideration of the joint resolution, relative to the three per cent fund; and that the said resolution lie on the table.*

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution, relative to purchasers of public lands:

Mr. Stapp in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order had the said joint resolution under consideration, had made some amendments thereto, and had instructed him to report the same to the Senate, and request their concurrence therein.

And the said amendments being read at the Secretary’s table, were concurred in; and the resolution as amended, ordered to be engrossed for third reading on Monday next.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved by the House of Representatives, That a committee of free conference be appointed on the part of this House, to act with a similar committee which has been appointed on the part of the Senate, to take into consideration, the subject matter of difference between the two houses, relative to a bill which originated in this House, entitled, “an act for the relief of Benjamin F. Barker and Henry Waggoner.” The House of Representatives have on their part, appointed Messrs. Richardson and Fitzgerald said committee. Also, that the Speaker of the*

House of Representatives had signed sundry enrolled bills, and had directed him to lay the same before the President of the Senate for his signature.

And the said enrolled bills having been signed by the President of the Senate, were handed to the committee on enrolled bills, to be laid before the Governor, for his approval and signature.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw, from the joint committee on enrolled bills now reported, that they did on this day present to the governor, for his approval and signature, "an enrolled joint resolution of the General Assembly;" also an enrolled bill entitled an act to amend the act entitled "an act to establish seats of Justice in new counties approved, January 14, 1824;" also "an act legalizing the proceedings of the school trustees of congressional township No. 13, in range No. 13, in Fayette county;" and also that they had compared the engrossed, with the enrolled bill, entitled "an act legalizing the marriage of William Wright of the county of Floyd;" and find the same truly enrolled.

The Senate now according to order resolved itself into committee of the whole, on the bill requiring the Secretary of State, to procure a letter book for the use of the State:

Mr. Graham of Jackson in the chair;

When after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill without amendment; the said bill was then read a third time and passed; and Mr. Farnham instructed to inform the House of Representatives thereof.

On motion by Mr. Chambers,

The Senate now proceeded to the election of a Sergeant-at-arms, Messrs. Givens and Pennington tellers, when, on counting the ballots, Andrew S. Babbett, was declared duly elected Sergeant-at-arms for the present session of the General Assembly.

The Senate adjourned to Monday morning 9 o'clock.

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MONDAY, DECEMBER 19, 1825.

The Senate assembled.

Mr. Grass laid before the Senate the petition of Reuben

Bates and others, inhabitants of Perry, Spencer and Martin, praying the establishment of a state road from Troy on the Ohio river, to Hindostan, in Martin county; which was read and referred to the committee on state roads.

Mr. Chambers laid before the Senate, the petition of Samuel Irwin and others, praying a re-location of a part of the state road in Orange county; which was read and ordered to be referred to a select committee to report thereon; and Messrs. Chambers, Grass, Montgomery and Gregory, were appointed that committee.

Mr. Ewing, introduced a bill in addition to the act for the settlement of decedents' estates; which was read, And

On motion by Mr. Watts,  
Was ordered to lie on the table.

Mr. Ewing introduced a joint resolution of the General Assembly relative to taxing lands; which was read and ordered for second reading to-morrow.

The bill for the relief of sundry persons therein mentioned, was read a second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed bill relative to the agent of the three percent. fund, was read a third time. And

On the question, shall this bill pass? The ayes and noes being demanded:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Grass, Pennington, Rariden, and Watts—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Givens, Gregory, Montgomery, Oliver, Smiley and Stapp—7.

So it was decided in the affirmative; and the said bill passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed joint resolution relative to purchasers of public lands, was read a thire time, When,

Mr. Montgomery moved to refer the same to a select committee; when upon the question, shall this joint resolution be referred to a select committee? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Ewing, Montgomery, and Stapp—5.



*And those who voted in the negative were,*

MESSRS. Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Oliver, Pennington, Smiley and Watts—11.

So it was decided in the negative.

And on the question, shall this joint resolution pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—16.

And Mr. Pennington voted in the negative.

So it was decided in the affirmative, and the said resolution passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Wick, Secretary of state now informed the Senate that he was instructed by his Excellency the Governor, to announce to the Senate, "that a joint resolution of the General Assembly, concerning the Secretary of State, which originated in the Senate, had on this day been approved and signed by him, and has been filed in the office of the Secretary of State.

Mr. Thornton, from the House of Representatives, informed the Senate that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That a second committee of free conference, be appointed on the part of the House of Representatives, to act with a similar committee to be appointed on the part of the Senate, to take into consideration, the subject matter of difference between the two Houses, relative to the disagreement of the Senate to the amendment made by the House of Representatives to the first amendment proposed by the Senate, to the engrossed bill from the House of Representatives, providing for contesting the election of Governor and Lieutenant Governor; and the House of Representatives have on their part, appointed Messrs. Child and Pepper that committee. Also, that the Speaker of the House of Representatives had signed an enrolled bill, entitled "an act legalizing the marriage of William Wright, of the county of Floyd," and had instructed him to hand the said bill to the President of the Senate for his signature.

Whereupon,

The said enrolled bill having been signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor, for his approval and signature.

On motion,

Messrs. Pennington and De Pauw, were appointed a second committee of free conference on the subject matter of dispute between the two Houses, relative to the engrossed bill providing for contesting the election of Governor and Lieutenant Governor, to act with a similar committee already appointed on the part of the House of Representatives, on that subject; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Thornton, principal Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed an engrossed bill for the formation of a new county out of the counties of Montgomery and Wabash; an engrossed bill for the relief of Gideon B. Hart, collector of Bartholomew county; an engrossed bill for the relief of the securities of the late sheriff of Crawford county; an engrossed bill for the relief of Alexander Dick; an engrossed bill for the relief of John R. Montgomery, late collector of the state and county revenue of Gibson county, for the year 1823, and an engrossed joint resolution on the subject of obtaining further indulgence to the purchasers of public lands;" in all of which bills and joint resolution, they request the concurrence of the Senate.

The Senate now, according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives extending the jurisdiction of justices of the peace in civil actions:

Mr. Chambers in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had under consideration the said bill—had made an amendment thereto, and had instructed him to report the same to the Senate, and request the concurrence of the Senate therein.

And on the question, will the Senate concur in the amendment made in committee of the whole to the said bill? which was by striking out the first section thereof, which reads in the following words, to wit:

"SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all actions of debt or assumpsit, wherein the sum due or demanded shall be over fifty dollars, and not exceeding one hundred dollars, exclusive of interest and cost, it shall be lawful for the plaintiff to commence his suit, either before a justice of the peace of the proper county, or in the circuit court, at his discretion; and on the decision of any such action by a justice of the peace, and an appeal taken thereon to the circuit.

court, the supreme court shall have appellant jurisdiction in the same manner, as if the same had been originally commenced in the circuit court: *Provided*, That this act shall not be so construed, as to alter or effect the jurisdiction of justices of the peace, in sums not exceeding fifty dollars, as now prescribed by law."

The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Givens, Grass, Gregory, Montgomery, Pennington, Rariden and Stapp—9.

*And those who voted in the negative were,*

MESSRS. Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Oliver and Watts—8.

So it was decided in the affirmative, and the said amendment concurred in.

Mr. Rariden then moved, that the further consideration of the said bill be postponed indefinitely. And

On the question shall the further consideration of this bill be postponed indefinitely? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Givens, Grass, Gregory, Montgomery, Pennington, Rariden and Stapp—9.

*And those who voted in the negative were,*

Messrs. Chambers, Cotton, Ewing, Graham of Jackson, Graham of Clark, Oliver, Smiley and Watts—8.

So it was decided in the affirmative, and the further consideration of the said bill postponed indefinitely.

And the senate adjourned to 2 o'clock P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Ewing from the joint committee appointed to examine the offices of the auditor and treasurer of state, now made the following report, to wit:

The joint committee appointed to examine the offices of the auditor and treasurer of state respectfully report: That under the pressure of other duties, and aware that the committee of ways and means will particularly scrutinize both the offices during our session, it was determined not to be expedient to undertake the labour of a distinct and minute examination. The outlines of the annual reports of each office transmitted to



both houses a few days since, were examined with the apparent state of the books and vouchers, and upon satisfactory observation the committee unite in a belief that general accuracy and correctness prevail. From all the information your committee could hastily glean, acting under the general views stated it does not appear necessary to suggest any improvement at this time, to ensure a safe accountability for the public purse, and the several duties enjoined by law seem to have been performed by the immediate guardians under your authority, in a manner no way discreditible to their acknowledged ability; and your committee ask to be discharged. And the said report being read, was concurred in, and the committee discharged from the further consideration of the subject.

Andrew S. Babbitt Sergeant-at-arms was now called in to the Senate chamber, and the oath of office administered to him by Bethuel F. Morris, Esq. President Judge of the fifth judicial circuit.

On motion by Mr. Pennington,

The resolution by him offered on Saturday, and which reads in the following words, to wit:

*Resolved*, That the Senate will proceed instantler to meet the House of Representatives in the Representative Hall, to elect by joint ballot a Treasurer of State, and an Auditor of public accounts, and that the House of Representatives, be informed thereof and a similar resolution on their part requested, was taken up, read and adopted; and Mr. Farnham was instructed to inform the House of Representatives thereof and request a similar resolution.

Mr. Thornton informed the Senate that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That the House of Representatives will meet the Senate instantler, in the Representative Hall to elect by joint ballot, a Treasurer of State, and Auditor of Public accounts; that seats are prepared for the Senate on the right of the Speaker's chair; and that Mr. Posey is appointed Teller on the part of the House of Representatives.

The engrossed bill for the formation of a new county out of the counties of of Montgomery and Wabash; the engrossed bill for the relief of Gideon B. Hart, collector of Bartholomew county; an engrossed bill for the relief of Alexander Dick; the engrossed bill for the relief of John R. Montgomery, late collector of the state and county revenue of Gibson county, for the year 1823; The engrossed bill for the relief of the securities of the sheriff of Crawford county; and the engrossed joint resolution on the subject of obtaining further indulgence to the purchasers of public lands, from the House of Representatives,

were severally read a first time, and severally ordered for second reading to-morrow.

On motion by Mr. Chambers,

The committee of the whole Senate was discharged from the further consideration of the bill for the relief of Jonathan Gifford and others. And,

Mr. Rariden moved that the further consideration of the said bill be postponed indefinitely. And

On the question, shall the further consideration of this bill be postponed indefinitely? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Jackson, Rariden and Stapp—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley and Watts—13.

So it was decided in the negative, and the bill ordered to be engrossed for third reading to-morrow.

On motion,

Mr. Cotton was appointed teller on the part of the Senate, in the election about to take place for a Treasurer of state, and Auditor of public accounts, and Mr. Farnham was directed to inform the House of Representatives thereof.

The Senate then proceeded to the Representative Hall, when the two Houses proceeded by joint ballot to elect a Treasurer of State.

Whereupon,

The ballots being counted, Samuel Merrill was declared in presence of both Houses to be duly elected Treasurer of State for the state of Indiana, for the constitutional period of three years.

The two houses then proceeded by joint ballot to elect an Auditor of public accounts, when after balloting the fourth time, William H. Lilley was declared in presence of both houses to be duly elected Auditor of public accounts, for the constitutional period of three years from this date.

And the Senate returned to their chamber, and adjourned to nine o'clock to-morrow morning.

TUESDAY, DECEMBER 20, 1825.

The Senate assembled.

Mr. Colman laid before the Senate, the remonstrance of William Wilhait and others, inhabitants of Montgomery county, against any alteration in the boundaries of said county; and the said remonstrance was read, and ordered to lie on the table.

Mr. Sweetser, a member of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have preferred articles of impeachment against Isaiah Cooper, a justice of the peace in Owen county; and have appointed Messrs. Hawk, Sweetser, and Gray managers, and demand justice; and that a day be set when the Senate will hear the said case; and that process be asked of the Senate, to compel the attendance of said Cooper, to answer to said articles of impeachment; and as witnesses on the part of the House of Representatives, David Johnson, Thomas F. G. Adams, John Hart, John W. List, Obadiah Turpin, John Cradock, Thomas Harvey, Samuel Howe, John Johnson, sen'r, Asa Brown, Montgomery Allison, Samuel Jackson, Isaac Heaton, Jesse Evans and George Mayfield, of Owen county; and Philip Hedges, of Clay county, be summoned.

On motion by Mr. Stapp,

*Resolved*, That process issue against Isaiah Cooper, a justice of the peace in and for the county of Owen, who is impeached by the House of Representatives for malconduct in his office, as justice as aforesaid; and subpœnas for witnesses to support the impeachment be immediately issued by the President of the Senate, returnable on the second Monday in January next, and that blank subpœnas be furnished to the sergeant-at-arms, for the use of the person impeached, that the attendance of his witnesses may be compelled; and that a copy of the said articles of impeachment be made out, and certified by the Secretary of the Senate, and forwarded by the sergeant-at-arms, to be served on the accused; and that the Senate will, on the said second Monday in January next, proceed to form themselves into a high court of impeachment, for the trial of the said Cooper; and that the House of Representatives be informed of the adoption of this resolution.

And Mr. Farnham was instructed to communicate that information to the House of Representatives.

Mr. Sweetser, from the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution, to wit:



*Resolved*, That the Senate be informed, that the House of Representatives have preferred articles of impeachment against Nathaniel W. Marks, sheriff of Rush county; have appointed Messrs. Sweetser, Fitzgerald, Craig and Howk, managers, and demand justice; that process issue to compel the attendance of said Marks, to answer said articles of impeachment; and as witnesses on the part of the House of Representatives, Samuel Merrill and William H. Lilly, of Marion county, Robert Thompson, Charles Test and Charles H. Veeder, of Rush county, be summoned.

Mr. Stapp then moved the adoption of the following resolution, to wit:

*Resolved*, That process issue against Nathaniel W. Marks, sheriff of the county of Rush, and subpoenas for witnesses in behalf of the state to support the prosecution, as also blank subpoenas for witnesses in behalf of the accused, be issued immediately, and signed by the President of the Senate, returnable on the first Monday in January next, pursuant to the application of the House of Representatives; and that a copy of the articles of impeachment be also sent to and served on the accused by the sergeant-at-arms; that the Senate will form themselves into a high court of impeachment, on the said first Monday in January next; and that the House of Representatives be informed of the adoption of this resolution.

And Mr. Farnham was directed to communicate that information.

Mr. Stapp offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the sergeant-at-arms be instructed, that in case he should not be enabled to summons Nathaniel W. Marks and Isaiah Cooper, personally, agreeably to the process this day directed to be issued against each of them, that it shall be his duty to leave a copy of the process so directed to be issued against each of them, at each of their places of residence, together with a copy of the articles of impeachment.

Mr. Colman asked, and obtained leave, to introduce a bill allowing compensation to the associate judges of this state; and the same was read, and ordered for second reading to-morrow.

Mr. Stapp offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the counties of Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Crawford, Gibson and Pike, form one district, and be entitled to three Senators and six Representatives; that the counties of Daviess, Orange, Martin, Lawrence, Knox, Sullivan, Monroe, Owen, Greene, Clay, Vigo, Vermillion, Parke and Montgomery, form one district, and be

entitled to four Senators and twelve Representatives; that Morgan, Johnson, Shelby, Decatur, Wayne, Rush, Henry, Randolph, Allen, Marion, Madison, Hamilton, Hendricks and Putnam, form one district, and be entitled to four Senators and eleven Representatives; that the counties of Harrison, Washington, Clark, Floyd, Jackson, Scott, Bartholomew, Jefferson and Jennings, form one district, and be entitled to five Senators and fourteen Representatives; that the counties of Switzerland, Ripley, Dearborn, Franklin, Fayette and Union, form one district, and be entitled to four Senators and eleven Representatives; and the members of the Senate belonging to those several districts, be instructed, and that the members of the House of Representatives from those several districts, be requested to meet each other, and make such apportionment as to them may appear just and right in the several districts, not inconsistent with the apportionment above made; and that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested.

And the said resolution was read, and ordered to lie on the table.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Oliver asked and obtained leave, to introduce a bill to repeal the law giving justices of the peace power to levy a poll tax; which was read a first time, and ordered to second reading to-morrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had this day presented to the Governor, for his approval and signature, the enrolled bill entitled, “an act legalizing the marriage of William Wright, of the county of Floyd.”

The engrossed bill for the relief of the securities of the late sheriff of Crawford county, and the engrossed bill for the relief of Alexander Dick, from the House of Representatives, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill for the relief of John R. Montgomery, collector of state and county revenue of Gibson county, for the year 1823, and the engrossed bill for the relief of Gideon B. Hart, collector of Bartholomew county, from the House of Representatives, were severally read a second time, and severally committed to the committee of ways and means, to report thereon.

The engrossed joint resolution, on the subject of obtaining further indulgence to the purchasers of public lands, from the House of Representatives, and the joint resolution of the General Assembly, relative to the taxation of public lands, were severally read a second time, and severally ordered to lie on the table.

The engrossed bill for the relief of Jonathan Gifford and others, was read a third time, and passed; and Mr. Farnham was directed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of certain persons therein named:

Mr. Smiley in the chair;

And after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had according to order, had the said bill under consideration, and had instructed him to report the same to the Senate without amendment.

And the said bill was ordered to be engrossed for third reading to-morrow.

On motion,

The Senate now according to order, again resolved itself into committee of the whole Senate, on the bill for the apportionment of Senators and Representatives:

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same, and request leave to sit again. And,

On the question, shall the committee of the whole Senate have leave to sit again on the said bill? It was decided in the negative, and leave refused.

Mr. Montgomery then offered for the consideration of the Senate, and for adoption, the following resolution, to wit:

*Resolved*, That a committee of five members be appointed from the Senate, to consist of one from each judicial circuit, with instructions so to apportion the members of each House, that the ratio of members to the House of Representatives be fixed at seven hundred free white male inhabitants to each Representative; and that the ratio for Senators, be fixed at one Senator for every eighteen hundred free white male inhabit-



ants over twenty-one years of age, agreeably to the returns now on file in the office of the Secretary of State: And the said Representatives and Senators to be apportioned by the Senators and Representatives from the respective circuits aforesaid, as they may agree to apportion them within their respective circuits; each Senator so appointed, governing the apportionment of the circuit to which he belongs.

And the said resolution having been considered, was adopted; and Messrs. De Pauw, Montgomery, Rariden, Colman and Gregory were appointed that committee.

And the Senate adjourned to 9 o'clock, to-morrow morning.

### WENDESDAY, DECEMBER 21, 1825.

The Senate assembled.

Mr. Pennington asked, and obtained leave to introduce a joint resolution of the General Assembly, for the preservation of the laws of this state and for other purposes, which was read a first time, and ordered for second reading to-morrow.

The bill allowing compensation to the associate judges of this state, was read a second time, and ordered to lie on the table.

The bill to repeal the law giving discretionary power to the justices of the peace to levy a poll tax, was read a second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

The engrossed bill for the relief of certain persons therein named, was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Montgomery and Pennington—9.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, Gregory, Rariden, Smiley, Stapp and Watts—7.

So it was decided in the affirmative, and the said bill was passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order resolved itself into com-

mittee of the whole Senate, on the engrossed bill for the relief of Alexander Dick, from the House of Representatives;

Mr. Pennington in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment. And

On motion,

The said bill was referred to a select committee, consisting of Messrs. Montgomery, Pennington and Stapp, with instructions so to frame a bill, as to embrace all those similarly situated with Mr. Dick.

The Senate now according to order, resolved itself into committee of the whole Senate, on the engrossed bill from the House of Representatives, "for the relief of the securities of the late sheriff of Crawford county:"

Mr. Oliver in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment; and the said bill was referred to the committee on the judiciary, to report thereon.

The Senate according to order, now resolved itself into committee of the whole Senate, on the bill for the formation of a new county out of the counties of Montgomery and Wabash:

Mr. Gregory in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate, to whom the said bill had been committed, had, according to order had the said bill under consideration, had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein; and the said amendments having been read at the Secretary's table, were severally concurred in, and ordered to be engrossed, and with the said bill read a third time to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

On motion by Mr. Graham of Clark,

*Resolved*, That his Excellency the Governor be requested to inform the Senate, whether the superintendence of the state prison at Jeffersonville, has been farmed out by the executive, agreeably to the provisions of the law relative to the state pris-

on; and it farmed out, that he lay before the Senate a copy of the contract with the superintendant thereof.

Mr. Pennington from the committee of free conference on the subject, made the following report, to wit:

The committee appointed on the part of the Senate to act in conjunction with a similar committee appointed on the part of the House of Representatives to take into consideration the disagreement between the two houses on the amendment made by the House of Representatives to the amendment made by the Senate, to the second section of the bill providing for contesting the election of Governor and Lieutenant Governor, have had the same under consideration, and report that they have been unable to compromise the said subject of disagreement between the two houses, and ask to be discharged from the further consideration thereof. And

On motion,

The said report was concurred in, and the committee aforesaid discharged from the further consideration of the subject.

Mr. Cotton, from the joint committee on enrolled bills, now reported, that they had compared the engrossed with the enrolled bill, entitled "an act requiring the Secretary of state to procure a letter book, for the use of the state;" and find the same truly enrolled.

Mr. Grass from the committee of free conference appointed on the part of the Senate, to confer with a similar committee on the part of the House of Representatives, on the subject matter of difference, existing between the two houses on, the bill "for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes," now reported, that they have agreed to strike out, in the 7th line, the words "two hundred," and insert in lieu thereof, such further sum of money as John J. Neily and Samuel Emmerson commissioners on said road, and the Honorable James R. E. Goodlet, shall deem just and equitable, and that the said commissioners together with the Hon. James R. E. Goodlet shall meet for that purpose at the court house in Princeton, on the third Monday in February next: *Provided*, That if they shall not all attend, two only shall be sufficient to act.

Mr. Montgomery, from the select committee to whom had been committed the bill for the relief of Alexander Dick, now reported the same without amendment, and the said bill was read a third time and passed, and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Ewing from the select committee to whom the subject had been referred, now reported a bill concerning aliens, which was read a first time and ordered for second reading to-morrow.



On motion,

The several resolutions relating to purchasers of public lands, were referred to a select committee composed of Messrs. Ewing, Montgomery, Graham of Jackson, Stapp and De Pauw to report thereon.

Mr. De Pauw from the select committee, to whom the subject had been referred, made the following report, to wit:

The select committee to whom was referred so much of the Governor's message as relates to the poor, beg leave to report, that they have had the subject under consideration, and are of opinion that it is expedient, pursuant to the humane provisions of the constitution of this state to make provision by law for the purchase of one farm in each judicial circuit, and recommend the adoption of the following resolution, to wit:

*Resolved.* That the committee to whom was referred that part of the Governor's message relating to the poor be instructed to report a bill providing for the purchase of one quarter section of land with moderate improvements thereon within each judicial circuit, with such other provisions as may be necessary to carry into effect the humane principles of our constitution alluded to by the Governor in his said message: *Provided*, The cost of said quarter section of land shall not exceed three hundred dollars; and the same was read, and ordered to lie on the table until to-morrow.

Mr. Thornton from the House of Representatives now informed the Senate, that the House of Representatives recede from the amendment made by them to the first amendment proposed by the Senate to the engrossed bill from the House of Representatives providing for contesting the election of Governor and Lieutenant Governor, and concur in the said first amendment; they also concur in the report of the joint committee of free conference on the subject of the disagreement of the two Houses relative to the first amendment proposed by the Senate to the engrossed bill from the House of Representatives for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes; and also the Speaker of the House of Representatives had signed an enrolled bill, which bill he was instructed to lay before the President of the Senate for his signature; and the said bill being signed by the President of the Senate, was handed to the committee on enrolled bills to be laid before the Governor for his approval and signature.

And the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, DECEMBER 22, 1825.

The Senate assembled.

Mr. De Pauw from the committee on enrolled bills, now reported—that they did on this day, lay before the Governor for his approval and signature, the enrolled bill entitled, “an act requiring the Secretary of State to procure a letter book for the use of the state.”

Mr. Rariden from the judiciary committee, now reported a bill amendatory of the law and for the better advancement of justice; which was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The President of the Senate, now laid before the Senate, a communication from the Governor, enclosing a certified copy of the contract made with the superintendant of the state prison at Jeffersonville; which were read, and referred to the judiciary committee, to report thereon.

Mr. De Pauw from the committee on enrolled bills, now reported—That they had compared the following enrolled with the engrossed bills, and find the same truly enrolled, to wit:

“An act for the relief of Alexander Dick.”

“An act providing for contesting the election of Governor and Lieutenant Governor.” And

“An act for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes.”

Mr. Stapp offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the judiciary committee be instructed to prepare and report a bill repealing the law for the appointment of circuit prosecuting attorneys, and authorizing the appointment of county prosecutors by the circuit court, or some other competent tribunal.

And the same having been read,

Mr. Gregory moved to strike out the same from the word “resolved,” and insert in lieu thereof, the following, to wit: “That the judiciary committee be instructed to enquire into the expediency of so amending the law appointing prosecuting attorneys as to provide for their being elected by joint ballot of both Houses of the General Assembly, and to hold their office years.”

And the said resolution, with the proposed amendment, after some discussion thereon, were ordered to lie on the table.

The President laid before the Senate, a communication from the Auditor of State, together with a schedule of the amount of taxable lands and taxable polls within each county in this state; and the same were read, and referred to the committee of ways and means.

Mr. Cotton offered for consideration and adoption, the following resolution to wit:

*Resolved*, That the committee on the judiciary be instructed to report a bill extending the jurisdiction of justices of the peace to seventy-five dollars; and the same being read, was ordered to lie on the table.

Mr. Watts introduced a bill for the protection of rights and privileges, granted by statute, or acquired thereunder; which was read a first time, and ordered for second reading to-morrow.

Mr. Grass introduced a bill to amend the act for opening public roads and highways; which was read a first time, and ordered for second reading to-morrow.

On motion by Mr. Gregory,

The report and resolution yesterday offered by Mr. De Pauw, on the subject of providing one or more farms in the state as asylums for the poor, was again taken up, and considered; when Mr. Graham of Jackson, offered the following amendment, to wit: to strike out of said resolution the following words: "for the purchase of one quarter section of land, with moderate improvements thereon, within each judicial circuit;" and insert in lieu thereof, "for dividing the state into three districts, in each of which a farm shall be purchased, with such improvements thereon, and"—so that the resolution when amended, shall read in the following words, to wit:

*"Resolved*, That the committee to whom was referred that part of the Governor's message relating to the poor, be instructed to report a bill for dividing the state into three districts; in each of which a farm shall be purchased, with such improvements thereon, and with such other provisions as may be necessary to carry into effect the humane principles of the constitution, alluded to by the Governor in his said message: *Provided*, the cost of each farm shall not exceed \$300."

And the said resolution as amended, was considered and adopted.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The joint resolution for the preservation of the laws and journals of this state, and for other purposes, and the bill concerning aliens, were severally read a second time, severally committed to committees of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill from the House of Representatives, for the formation of a new county out of the counties of Montgo-



mery and Wabash, was read a third time as amended, and was by common consent, further amended in the title, by striking out the word "Montgomery," and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of the said bill, with amendments; in which the concurrence of that House is requested.

On motion,

The committee of the whole Senate was discharged from the further consideration of the bill authorizing the justices of the peace to levy a poll tax; and the said bill was laid on the table.

Mr. Cotton introduced a bill for the relief of William Wilson of Ripley county; which was read, and ordered for second reading to-morrow.

Mr. Rariden from the judiciary committee, to whom was referred the Governor's communication relative to the state prison at Jeffersonville now reported a bill supplemental to the act entitled, "an act for the better management of the state prison;" which was read a first time, and ordered for second reading to-morrow.

Mr. Chambers, from the select committee appointed on the subject, now reported a bill authorizing the re-location of a part of a state road therein named; which was read, and ordered for second reading to-morrow.

Mr. Cotton now called up the resolution by him this day offered, and which was ordered to lie on the table. And

On motion by Mr. Graham of Jackson,

The same was so amended, as to read as follows, to wit:

"*Resolved*, That a select committee be appointed, with instructions to report a bill to extend the jurisdiction of justices of the peace to seventy-five dollars."

And on the question, shall this resolution as amended be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Grass, Oliver, Smiley and Watts—11.

*And those who voted in the negative were,*

MESSRS. Givens, Gregory, Montgomery, Pennington, Rariden and Stapp—6.

So the said resolution was adopted; and Messrs. Cotton, Graham of Jackson, and Ewing, were appointed a committee in conformity with the foregoing resolution.

Mr. Thornton, Clerk of the House of Representatives, now

informed the Senate, that the House of Representatives had passed an engrossed bill to improve the navigation of Laughery creek; an engrossed bill giving certain powers to the administrator of Eliza Stewart, deceased; an engrossed bill to amend the act entitled, "an act declaring certain streams therein named, public highways—approved, January 26, 1825;" an engrossed bill for the relief of Philip Briscoe; an engrossed bill, to amend the act entitled, "an act prescribing the mode of changing the venue—approved, January 28th, 1824," and an engrossed bill, to repeal an act entitled, "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, "an act supplemental to an act, establishing a county seminary in the county of Knox—approved, February 12, 1825;" in all of which bills they request the concurrence of the Senate. And also, that the Speaker of the House of Representatives had signed sundry enrolled bills.

And the said enrolled bills were signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor, for his approval and signature.

And the said six engrossed bills above named, with voluminous documents accompanying the last mentioned bill, were read a first time, and ordered for second reading to-morrow.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed an engrossed bill from the Senate, for the formation of the county of Tippecanoe, with sundry amendments, in which the concurrence of the Senate is requested.

And the first amendment, which was by striking out the words "Samuel Milroy of Washington county," and inserting in lieu thereof, "George Peasely, senior, of Putnam county," being read; on the question, will the Senate concur in said first amendment? It was decided in the negative.

The second amendment, which was by striking out the words "James Blair of Wayne county," and inserting in lieu thereof, "John McCullough, of Montgomery county," was then read:

And on the question, will the Senate concur in said amendment? It was decided in the negative.

The third amendment was then read, and concurred in; and Mr. Farnham was instructed to inform the House of Representatives thereof.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, DECEMBER 23, 1825.

The Senate assembled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives disagree to the first and third amendment proposed in Senate, to the engrossed bill from the House of Representatives for the formation of a new county out of the county of Wabash, and concur in the second amendment proposed by the Senate to the said bill, with an amendment thereto; in which they request the concurrence of the Senate.

Mr. De Pauw from the select committee on the subject, now reported a bill for the apportionment of Senators and Representatives to the General Assembly of the state of Indiana—which was read twice by common consent, committed to a committee of the whole Senate, and made the order of the day for Monday next.

Mr. Gregory introduced a bill supplemental to an act declaring Blue river a public highway, and for other purposes; which was read, and ordered for second reading to-morrow.

The engrossed bill legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties for the year eighteen hundred and twenty-five, was taken up, considered, and ordered for third reading to-morrow.

The Senate now proceeded to consider the first amendment proposed by them, to the engrossed bill from the House of Representatives for the formation of a new county out of the counties of Montgomery and Wabash, and which was disagreed to by the House of Representatives; and was in substance, "striking out of said bill, all that part thereof which attaches a part of Montgomery county, to the new county proposed now to be formed."

And on the question, to recede from said proposed amendment—The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Stapp and Watts—9.

*And those who voted in the negative were,*

MESSRS. Colman, De Pauw, Gregory, Montgomery, Oliver, Pennington and Smiley—7.

So it was decided in the affirmative, and the said amendment receded from.

The Senate then proceeded to consider the amendment proposed by the House of Representatives to the second amendment made in Senate to the said bill; which amendment now



proposed by the House of Representatives to the said second amendment made in Senate, "was in substance, attaching the new county proposed to be formed by the bill, and named Fountain, together with all the country north and west of said county of Fountain, to Parke county, for the purpose of civil and criminal jurisdiction." The object of which amendment as proposed by the House of Representatives, to the amendment made in Senate to said bill, was to deprive the county of Fountain from all civil and criminal jurisdiction, within her own boundaries; and also, to attach the remaining part of Wabash county to Parke county, for the purposes of civil and criminal jurisdiction.

And on the question, will the Senate concur in the amendment made by the House of Representatives, to the second amendment made in Senate to said bill? The ayes and noes being demanded by two members:

*Those who voted in the affirmative, were none.*

*And those who voted in the negative were,*

Messrs. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—17.

*Ordered,* That Mr. Farnham inform the House of Representatives thereof.

The bill for the protection of rights and privileges granted by statute, or acquired thereunder, was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday, the 26th inst.

The bill to amend the act entitled, "an act for opening and repairing public roads and highways," was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill for the relief of William Wilson, of Ripley county, was read a second time, and ordered to be engrossed for third reading to-morrow.

The bill supplemental to the act entitled, "an act for the better management of the state prison, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill authorizing the re-location of a part of a certain state road therein named, was read a second time; when, on a motion made, that the further consideration thereof be postponed indefinitely,

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Givens, Graham of Jackson,

Montgomery, Pennington, Rariden, Smiley, Stapp and Watts  
—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, Ewing, Graham of Clark, Grass, Gregory and Oliver—7.

So it was decided in the affirmative, and the further consideration thereof postponed indefinitely. And

On motion by Mr. Chambers,

Leave is granted him to withdraw said bill.

The engrossed bill from the House of Representatives to improve the navigation of Laughery creek, was read a second time, and ordered for third reading to-morrow.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives insist on the first and second amendments made by them, to the engrossed bill from the Senate, for the formation of the county of Tippecanoe; and they recede from the amendment proposed by them, to the second amendment proposed by the Senate to the engrossed bill from the House of Representatives, for the formation of a new county out of the counties of Montgomery and Wabash. And

On motion,

*Ordered*, That the Senate will adhere to their objections to the first and second amendments made by the House of Representatives to the bill for the formation of the county of Tippecanoe; and that Mr. Farnham inform the House of Representatives thereof.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they did on this day, present to the Governor, for his approval and signature, an enrolled bill, entitled—

An act providing for contesting the election of Governor and Lieutenant Governor.

An act for the relief of Alexander Dick. And

An act for the relief of Benjamin F. Barker and Henry Wagoner, and for other purposes.

The engrossed bill from the House of Representatives, entitled an act to amend the act entitled “an act declaring certain streams therein named, public highways—approved, January 26, 1825,” was read a second time, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives for the relief of Philip Briscoe, was read a second time, and referred to the judiciary committee, to report thereon.

The engrossed bill from the House of Representatives, entitled an act, to amend an act entitled, “an act prescribing the

mode of changing the venue," was read a second time, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives, giving further powers to the administrators of Eliza Stewart, deceased, was read a second time, and the further consideration thereof postponed indefinitely; the powers therein granted, being already extended to all administrators by law.

The engrossed bill from the House of Representatives, to repeal "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, an act supplemental to "an act establishing a county seminary in the county of Knox—approved, February 12, 1825," was read a second time: When,

Mr. Ewing moved that the said bill be committed to a select committee, with power to send for persons and papers; and leave to report thereon. Which motion was decided in the negative.

The said bill was then committed to a committee of the whole Senate, and made the order of this day for this afternoon.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives entitled, an act to repeal "an act for the relief of Claudius G. Brown; approved, January 26, 1824," and part of an act entitled, an act supplemental to "an act establishing a county seminary in the county of Knox; approved, February 12, 1825:"

Mr. Oliver in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made sundry amendments thereto, and had instructed him to request the concurrence of the Senate therein.

And on motion,

The said bill, with the amendments made in committee of the whole Senate, was ordered to lie on the table.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had passed the following engrossed bills and joint resolution; in which bills and joint resolution they request the concurrence of the Senate, to wit: An engrossed bill to amend an act entitled, "an act organizing the supreme court, and defining its powers



and duties;" an engrossed bill authorizing the surviving administratrix of the estate of Harvey Heth, to sell and convey real estate; an engrossed bill to provide for a more certain return of the votes for Governor and Lieutenant Governor; an engrossed bill for the relief of the heirs of Benjamin Warner, deceased; an engrossed bill providing for removing the obstructions in the river Patoka, and a joint resolution relative to the National Road from Wheeling to the Mississippi.

And the said several bills and joint resolution, were read a first time, and ordered for second reading to-morrow.

And the Senate adjourned to 9 o'clock, to-morrow morning.

## SATURDAY, DECEMBER 24, 1825.

The Senate assembled.

On motion,

*Ordered*, That Messrs. Chambers and Gregory, have leave of absence until Monday next.

The engrossed bill to repeal an act entitled an act for the relief of Claudius G. Brown, approved, January 26th, 1824; and part of an act entitled an act supplemental to an act establishing a county seminary in the county of Knox, approved, February 12th, 1825; was ordered to be laid on the table.

The bill supplemental to an act declaring blue river a public highway, and for other purposes, was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

The engrossed bill to amend an act, entitled an act organizing the supreme court and defining its powers and duties, was read a second time, and committed to the same committee of the whole Senate to whom had been committed, the bill amendatory to the law, &c.

The engrossed bill providing for removing the obstructions in the river Patoka, was read a second time, and ordered for third reading on Monday next.

The engrossed bill for the relief of the heirs of Benjamin Warner, deceased, from the House of Representatives was read a second time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

On motion by Mr. Rariden,

The vote yesterday postponing indefinitely the further consideration of the bill giving certain powers to the administrators

of Eliza Stewart, deceased, was reconsidered; and the question again recurring, shall the further consideration of this bill be postponed indefinitely? It was decided in the negative; and the said bill was committed to a committee of the whole Senate, and made the order of the day for this day.

The engrossed bill from the House of Representatives, to provide for a more certain return of the votes for Governor and Lieutenant Governor, was read a second time and ordered for third reading on Monday next.

The engrossed bill from the House of Representatives authorizing the surviving administratrix of the estate of Harvéy Heth, deceased, to sell and convey real estate, was read a second time and ordered for third reading on Monday next.

The engrossed joint resolution from the House of Representatives relative to the extension of the National Road from Wheeling to the Mississippi, was read a second time, committed to a committee of the whole Senate and made the order of the day for Monday next.

The engrossed bill from the House of Representatives, legalizing the proceedings of the boards of justices of the counties of Vermillion and Hamilton; the engrossed bill from the House of Representatives, to improve the navigation of Laughery creek; and the engrossed bill from the House of Representatives entitled an act, to amend an act, entitled "an act declaring certain streams therein named, public highways, approved, January 26th, 1825," were severally read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of those bills without amendment.

The engrossed bill for the relief of William Wilson, of Ripley county, was read a third time, committed to a committee of the whole Senate, and made the order of the day for Monday next.

The engrossed bill to amend an act, entitled "an act prescribing the mode of changing the venue, approved, January 28th, 1824," was read a third time and committed to the same committee of the whole Senate, to whom had heretofore been committed the bill amendatory of the law, and for other purposes.

The Senate now, according to order resolved itself into committee of the whole Senate on the joint resolution for the preservation of the laws and journals:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said joint resolution to the Senate without amendment. And

On motion,

The said joint resolution was committed to a select committee, composed of Messrs. Stapp, Ewing and Graham of Jackson, to report thereon.

The Senate according to order resolved itself into committee of the whole on the bill for the better management of the state prison:

Mr. Ewing in the chair;

When, after some time spent thereon,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment; and the said bill was committed to a select committee, composed of Messrs. Graham of Clark, Graham of Jackson, and Montgomery.

The Senate according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, giving certain powers to the heirs of Eliza Stewart, deceased:

Mr. Smiley in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the aforesaid bill to the Senate, with an amendment, which was, by striking out the whole bill from the enacting clause; and the said bill was ordered to be laid on the table.

Mr. Smiley laid before the Senate, the petition of Aquillah M'Jonah and others, citizens of Union and Fayette counties, relative to a state road; which was read, and referred to the committee on state roads.

Mr. Ewing from the select committee to whom was referred the several joint resolutions relative to purchasers of public lands, now reported a joint resolution relative to purchasers of public lands; which was read, and ordered for second reading on Monday next.

And the Senate adjourned to Monday morning 9 o'clock.

MONDAY, DECEMBER 26, 1825.

The Senate assembled.

Mr. Grass laid before the Senate, the petition of Levi P. Lockhart and others, praying a removal of the seat of justice of Dubois county, and a remonstrance against the same, also a



petition from the citizens of Daviess county, praying that a part of Daviess county be attached to the county of Dubois, all of which were read, and referred to a select committee, composed of Messrs. Grass, Montgomery and Graham of Clark, to report thereon.

Mr. Smiley laid before the Senate, the petition of Nathan Hults, James Abernathey and others, against the removal of a certain state road therein named; which was read and referred to the committee on public roads and highways.

Mr. Ewing asked, and obtained leave of absence until to-morrow morning, for the purpose of preparing a report.

Mr. De Pauw from the committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill, entitled an act for the formation of a new county out of the counties of Montgomery and Wabash, and find the same truly enrolled.

Mr. Thornton clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed the engrossed bill from the Senate entitled an act for the relief of Jonathan Gifford and others; the engrossed bill from the Senate entitled an act for the relief of William Youse, and the joint resolution from the Senate relative to the three per cent fund, all without amendment. They have also passed an engrossed bill entitled an act authorizing the leasing of a reserved quarter section of land, in the county of Washington, including Rice's lick; in which they ask the concurrence of the Senate. The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

And the said last mentioned bill being signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, authorizing the leasing of a reserved quarter section of land in the county of Washington, including Rice's lick, was read a first time and ordered for second reading to-morrow.

On motion by Mr. Gregory,

The bill for the improvement of the state road from Rushville to Indianapolis, was taken up, read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Stapp, from the committee on the subject, now reported a joint resolution for the preservation of the laws and journals of this state; which was read and ordered for second reading to-morrow.

The joint resolution relative to purchasers of public lands, was read, and laid on the table.

Mr. Howk, a member of the House of Representatives, informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That the Senate be informed, that this House have preferred articles of impeachment against Adlai Campbell, a justice of the peace in Orange county; and that they have appointed Messrs. Howk, Sweetser, Gray, Craig and Fitzgerald, managers on the part of this House, and demand justice; that a day be set for the trial of said case; that process issue to compel the attendance of said Adlai Campbell, to answer, &c.—And as witnesses on the part of this House, Henry Dougherty, Michael Chase, John Dougherty, Samuel Cobb, Abraham Osburn, John Bush, Charles Sage and William Hoggatt, clerk of the Orange circuit court, to bring with him all the papers filed in his office, in a certain appeal case, wherein John Scarlett is plaintiff, and Henry Dougherty is defendant. And

On motion by Mr. Stapp,

*Resolved*, That process issue against Adlai Campbell, a justice of the peace in and for the county of Orange, who has been impeached by the House of Representatives for malconduct in office; and subpoenas to support said prosecution, be immediately issued by the President of the Senate, returnable on the ninth day of January next; and also, that blank subpoenas be furnished to said Campbell, to be used by him to compel the attendance of his witnesses, and that he be served with a copy of the articles of impeachment preferred against him; and that the Senate will on the ninth day of January next, form themselves into a high court of impeachment, to hear and determine his case; and that the House of Representatives be informed thereof.

And Mr. Farnham was directed to communicate that information to the House of Representatives.

Mr. Graham of Jackson, offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the Secretary of the Senate, be instructed to deliver to the Secretary of State, certain vouchers for ten thousand eight hundred and sixty-nine dollars, twenty-one cents; they being for money paid by Christopher Harrison, agent for the three per cent. fund, on the drafts of the commissioners—which vouchers have been examined by the present General Assembly, and a quietus granted to the agent therefor. And

Thereupon,

The Secretary of the Senate immediately delivered to the

Secretary of State, the vouchers embraced in the foregoing resolution.

The bill providing for removing obstructions in the river Patoka; the bill to provide for a more certain return of the votes for Governor and Lieutenant Governor, and the bill authorizing the surviving administratrix of Harvey Heth, deceased, to sell and convey real estate; were severally read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill supplemental to the act declaring Blue river a public highway, and for other purposes:

Mr. Pennington in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with sundry amendments; which were read, and concurred in.

And the said bill as amended, was ordered to be engrossed, and read a third time to-morrow.

The Senate according to order, resolved itself into committee of the whole, on the bill to amend the act for opening and repairing public roads and highways:

Mr. Graham of Clark in the chair;

When after some time spent thereof, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through the whole bill, had instructed him so to report, and request leave to sit again.

And on the question, shall leave be granted to the committee of the whole Senate to sit again on said bill? It was decided in the negative.

Mr. Graham of Jackson, then moved that the further consideration of said bill be postponed indefinitely.

And on the question, shall the further consideration of this bill be postponed indefinitely? It was decided in the negative.

Mr. Graham of Jackson then moved, that the said bill be referred to a select committee, with instructions to report a bill making such amendments to the present road law, as they may deem necessary, without changing the principles of taxation and labour therein contained.

And on the question, shall the select committee be so instructed? The ayes and noes being demanded by two members:



*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, and Oliver—7.

*And those who voted in the negative were,*

MESSRS. Grass, Gregory, Montgomery, Pennington, Rariden, Smiley, Stapp and Watts—8.

So it was decided in the negative, and the instructions aforesaid rejected.

Messrs. Stapp, Montgomery, Rariden, Grass and Gregory, were then appointed a select committee to prepare and report a bill, amendatory of the road law.

Mr. De Pauw from the committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills, to wit:

An act legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties, for the year 1825.

An act to amend the act entitled, “an act declaring certain streams therein named, public highways.” And

An act for the improvement of Laughery creek.

And find the same truly enrolled.

The Senate according to order, now resolved itself into committee of the whole, on the bill for the protection of rights and privileges acquired by statute, or derived thereunder:

Mr. Gregory in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment. And

On motion by Mr. Graham of Jackson,

The further consideration of the said bill was postponed indefinitely.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of William Wilson, of Ripley county:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

Mr. Graham then moved to strike out the said bill from the enacting clause, and insert in lieu thereof the following, to wit:

“Whenever it shall appear to the satisfaction of any of the boards of road commissioners, that any contractor or contractors, to open or repair any of the state roads in this state, shall have undertaken the same at a price below the real value there-

of, in every such case it shall be the duty of such commissioners to make such contractor or contractors such further allowance as in their opinion shall be just and reasonable, to be paid out of that part of the three per cent. fund appropriated to the road on which such service may have been rendered."

And a division of the question being called for; on the question, shall the said bill be stricken out? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Jackson, Graham of Clark, Pennington, Rariden, Smiley, Stapp and Watts—7.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Grass, Gregory, Montgomery and Oliver—9.

So it was decided in the negative.

Mr. Graham of Jackson, then moved to amend the aforesaid bill, by adding thereto, by way of additional section, the clause or section above stated. When,

On the question, shall this bill be so amended? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Jackson, Rariden and Watts—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley and Stapp—13.

So it was decided in the negative; and the said bill was ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole Senate, on the bill for the relief of the heirs of Benjamin Warner, deceased:

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with amendments.

Which were read, and concurred in; and the amendments ordered to be engrossed, and with the bill read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill for apportioning Senators and Representatives to the General Assembly of the state of Indiana;

Mr. Chambers in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr Chairman reported the said bill to the Senate without amendment.

And the said bill was then ordered to be engrossed for third reading to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

## TUESDAY, DECEMBER 27, 1825.

The Senate assembled.

Mr. Graham of Clark, from the select committee on the subject, now reported a bill to amend an act entitled "an act for the better management of the state prison, approved, January 31, 1824;" which was read, and ordered for second reading to-morrow.

Mr. Pennington introduced a bill, in addition to an act entitled "an act relative to crimes and punishments, approved, January 20th, 1824;" which was read, and ordered for second reading to-morrow.

Mr. Stapp, now called up the resolution heretofore by him offered on the subject of changing the mode of appointing prosecuting attornies, and which was now amended so as to read as follows, to wit:

*Resolved*, That the judiciary committee be instructed to prepare, and report a bill repealing the law, for the appointment of circuit prosecuting attornies, and authorizing the appointment of county prosecutors, by the circuit court.

And on the question, shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Ewing, Pennington and Stapp—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden Smiley and Watts—14.

So it was decided in the negative.

Mr. Rariden introduced a bill, altering the mode of appointing prosecuting attornies; which was read and ordered for second reading to-morrow.

The engrossed bill authorizing the leasing of a reserved quarter section of land including Rice's lick, was read a second



time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The joint resolution relative to the preservation of the laws and journals, was read a second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The engrossed bill for the apportionment of Senators and Representatives, to the General Assembly of the state of Indiana, was read a third time. And

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery and Oliver—10.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Pennington, Rariden, Smiley, Stapp and Watts—7.

So the said bill passed, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill for the relief of William Wilson of Ripley county, was read a third time. And

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Givens, Grass, Gregory, Montgomery, Oliver and Pennington—9.

*And those who voted in the negative were,*

MESSRS. Colman, Ewing, Graham of Jackson, Graham of Clark, Rariden, Smiley, Stapp and Watts—8.

So the said bill passed, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill for the relief of the heirs of Benjamin Warner, deceased, was read a third time, amended in the title by common consent, by adding thereto the words, "and for other purposes," and passed; and the engrossed bill supplemental to the act declaring Blue River a public highway, and for other purposes, was also read a third time and passed; and Mr. Farnham was instructed to inform the House of Represen-

tatives of the passage of those two bills last mentioned, and request their concurrence therein.

And the Senate adjourned to 9 o'clock to-morrow morning.

## WENDESDAY, DECEMBER 28, 1825.

The Senate assembled.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate that the House of Representatives, have passed engrossed bills of the following titles, to wit:

An act to authorize Jacob Caylor to dig a mill race through a part of a school section in Wayne county.

An act to improve the navigation of the Muscatituck rivers.

And an act appointing commissioners to re-locate the seat of justice of Madison county.

In which several bills they request the concurrence of the Senate, that the Speaker of the House of Representatives, having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President; and the said enrolled last mentioned bills, having been signed by the President of the Senate were handed over to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives to improve the navigation of Muscatituck rivers; the engrossed bill to authorize Jacob Caylor to dig a mill race through a part of a school section in Wayne county; and the engrossed bill from the House of Representatives, appointing commissioners to re-locate the seat of justice of Madison county, were severally read a first time, and severally ordered to be read a second time to-morrow.

Mr. De Pauw, from the committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills, to wit:

An act for the relief of William Youse, former sheriff of Union county. And

An act for the relief of Jonathan Gifford and others, and find the same truly enrolled.

Mr. Rariden, from the judiciary committee to whom had been referred the bill for the relief of the securities of the late sheriff of Crawford county, now reported a joint resolution of the

General Assembly; which was read, and ordered for second reading to-morrow

Mr. Chambers laid before the Senate sundry petitions praying a law declaring certain parts of Lost river, and Lick creek, navigable; which was read and referred to a select committee, composed of Messrs. Chambers, De Pauw, Stapp and Montgomery, to report thereon.

Mr. Ewing laid before the Senate the petition of S. Penn, jun. praying compensation for certain printing, done for the use of the state; and the said petition, with accompanying documents, was read, and referred to the committee of ways and means.

Mr. Ewing, from the committee on education, of this House, to whom was referred so much of the Governor's message as relates to that subject, reports in part:

That a great diversity of opinion, not at this moment to be reconciled, seems to prevail on a proper course to pursue in regard to the fund set apart by compact, to impart instruction to every class of our citizens; and that, although it would be a source of inestimable gratification to every one, if it appeared now practicable, in the absence of all such difference of opinion, to procure the means necessary to support free schools and disseminate common elementary knowledge among the people; your committee have to lament, that the requisite resources do not seem to be within its reach. With the exception of county seminaries deriving some aid from the penal code, and the township rents accruing to the state university, there exists no active fund for education, to which resort could be had; and the pittance of rent from some sixteenth sections, is entirely inadequate to effect the object at this time. Indeed to carry knowledge to the inmates of every family in our state, and thus promote the intent or fulfil the purpose of the now unprofitable fund appropriated, would require a system of ways and means previously digested to act upon; and whatever the equivalent paid by the present generation for this unwieldy fund, by refraining from taxation for five years on all lands sold, still, without the express sanction of Congress, the other party to the compact, as well as the consent of every inhabitant, no act can be done or sanctioned, that would release the state of her responsible trust, and render the fund of more immediate advantage. Nor can a majority of your committee believe it just or politic (unless by acts of incorporation to give control to the inhabitants interested) to authorize an extension of lease, that would deprive two or three generations of the hoped for increase of value of the fund in question. Indeed on consulting the power under which you act, in its true spirit, the validity of any legis-



lation that would on your part extend leases beyond one generation might, it is supposed, become matter of question and doubt. The township land (or at least one township) attached to the state university is placed in your possession with a different power, and can unquestionably be sold, when you may deem that course expedient.

Thus situated, and viewing the establishment of township free schools of the first importance to the future happiness and glory of the state, it has been agreed to report the following joint resolution. Under any circumstances, your committee would view the course contemplated by this resolution, as the most advisable. It will no doubt procure a well digested system, and with the accompanying knowledge sought for, you will hereafter possess a perfect understanding of the whole subject, and a precise idea how far the present generation stand bound to posterity for the fund. At this time it is viewed hazardous, if not impossible, to urge upon the state a crude system of free schools (and such only could now be devised) without apparent means of sustenance, free of taxation, and preserving that which equally belongs to those who come after us. This resolution will, it is thought, effect more, and enable all to act upon the important subject understandingly.

Your committee at this moment, believe they shall in a few days report upon the subject of the university.

Respectfully submitted.

And the said report and joint resolution above referred to, was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

The bill concerning prosecuting attornies, was twice read, committed to a committee of the whole Senate, and made the order of the day for this day now. And

Thereupon,

The Senate now resolved itself into committee of the whole on the said bill:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with some amendments; which were read, and rejected.

Sundry unimportant amendments were then made to the said bill, and sundry blanks filled up. When,

Mr. Stapp moved, that the further consideration of the said bill be postponed indefinitely.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Ewing, Graham of Jackson, Graham of Clark, and Stapp—4.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley and Watts—13.

So it was decided in the negative; and the said bill was ordered to be engrossed, and read a third time to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw from the committee on enrolled bills, now reported—that they did on this day, compare the following enrolled with the engrossed bills, to wit:

An act providing for removing the obstructions in the river Patoka.

An act to provide for a more certain return of the votes for Governor and Lieutenant Governor. And

An act authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate—And find the same truly enrolled. Also, that the said committee did on this day, lay before the Governor, for his approval and signature, the following enrolled bills, to wit:

An act to improve the navigation of Laughery creek.

An act legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties for the year 1825.

An act, to amend the act entitled, “an act declaring certain streams therein named, public highways—approved, January 26, 1824.” And

An act for the formation of a new county out of the counties of Montgomery and Wabash.

The bill to amend an act entitled, “an act for the better management of the state prison—approved, January 31, 1824,” and the bill in addition to an act entitled, “an act relative to crimes and punishments—approved, January 20, 1824, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The Senate now according to order, resolved itself into committee of the whole on the bill authorizing the leasing of a reserved quarter section of land in Washington county, including Rice's Lick:

Mr. Rariden in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate, with amendments; which were read, and concurred in.

And the amendments were ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution:

*Resolved*, That a committee of free conference be appointed on the part of this House, to act with a similar committee to be appointed on the part of the Senate, to take into consideration the subject of the disagreeing votes between the two Houses, relative to the first and second amendments, proposed by the House of Representatives, to the bill from the Senate, entitled an act for the formation of the county of Tippecanoe; that the Senate be informed thereof, and the appointment of a similar committee on their part requested. And that the House of Representatives have on their part, appointed Messrs. Robertson and Claypool, a committee in pursuance of the above resolution.

The Senate according to order, now resolved itself into committee of the whole Senate, on the bill for the better improvement of the state road from Rushville to Indianapolis:

Mr. Colman in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment; which was read, and concurred in.

And on motion to postpone the further consideration of the said bill indefinitely, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Givens, Graham of Jackson, Montgomery, Pennington, Rariden and Smiley—8.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Graham of Clark, Grass, Gregory, Oliver and Watts—7.

So it was decided in the affirmative; and the further consideration of the said bill postponed indefinitely.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution for the better preservation of the laws and journals:

Mr. De Pauw in the chair;

id



When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the resolution to the Senate with an amendment; which was read, and concurred in, and the resolution as amended, ordered to be engrossed, and read a third time to-morrow.

And the Senate adjourned to 9 o'clock, to-morrow morning.

## THURSDAY, DECEMBER 29, 1825.

The Senate assembled.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they had compared the engrossed joint resolution of the General Assembly relative to the agent of the three per cent. fund, and find the same truly enrolled.

Mr. Ewing from the select committee, appointed on so much of the Governor's message, as relates to the improvement of the navigation of the Wabash, and connecting that river, by canal communication, with the Miami of the lakes, now reported the two following bills to wit: a bill to provide for the improvement of that part of the river Wabash, over which the state of Illinois had concurrent jurisdiction, and a bill to provide for exploring a part of the river Wabash, and to create a canal to connect the navigation thereof, with the Miami of the Lakes; all of which were read, and ordered to lie on the table.

Mr. Thornton clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed bills of the following titles, to wit:

An act authorizing John W. Cox, to erect a mill-dam across the west fork of White river.

An act to authorize the lessee of the ferry across White river near Indianapolis, to erect a dwelling house on said premises.

And an act legalizing the proceedings of the school trustees of Congressional township No. 9, in range No. 2 west, in Franklin county, in all of which they ask the concurrence of the Senate.

● The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

And the said last mentioned bills were signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, authorizing John W. Cox, to erect a mill dam across the west fork of White river; the engrossed bill legalizing the proceedings of the school trustees of Congressional township No. 9, in range No. 2 west, in Franklin county; and the engrossed bill to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises, were severally read a first time, and severally ordered for second reading to-morrow.

Mr. Cotton asked, and obtained leave to introduce a bill concerning contempts; which was twice read, and committed to the same committee to whom had been committed the bill amendatory of the law.

Mr. Graham of Clark asked, and obtained leave to introduce a bill for fixing the times of holding courts in Floyd county; which was read and ordered to second reading to-morrow.

Mr. Watts asked, and obtained leave, to introduce a bill providing for ascertaining the expense of supporting the poor annually, in this state; which was read, and ordered for second reading to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Oliver, from the select committee to whom the subject had been committed, now reported a bill, to amend the act regulating general elections; and the act to provide for electing county, and township officers; which were read a first time, and ordered for second reading to-morrow.

Mr. Grass from the select committee, to whom the subject had been referred, now reported the bill to amend the act entitled "an act for opening public roads and highways," with an amendment; which was read, and

On motion,

Committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Chambers from the select committee to whom had been referred the petition of sundry citizens, praying a law declaring certain parts of Lost river and Lick creek navigable, now reported a bill in addition to an act entitled "an act declaring certain streams therein named, public highways, approved January 26, 1824;" which bill was read, and ordered for second reading to-morrow.

The bill to provide for the improvement of that part of the river Wabash, over which the state of Illinois has concurrent jurisdiction; and the bill to provide for exploring a part of the river Wabash, and to locate a canal, to connect the navigation

thereof, with the Miami of the Lakes, which had been reported by Mr. Ewing in the forenoon, and then ordered to lie on the table, were now taken up, severally read a second time, committed to a committee of the whole Senate and made the order of the day for to-morrow.

Mr. Ewing then moved to insert on the Journals, a report by him made in writing, on the subject of canals, and which accompanied and preceded the two last mentioned bills. And

On the question, shall the said report be entered on the journals? It was decided in the affirmative.

The said report reads in the following words, to wit: '

The committee to whom was referred so much of the Governor's message as relates to the improvement of the navigation of the river Wabash, and its extension to the Miami of the Lakes, having as far as other duties would permit, carefully examined the subject, most respectfully reciprocate the recommendation of his Excellency, and submit the following report:

That your committee believe this state can enjoy certain progressive prosperity, upon the same terms only, as it is enjoyed by other states, and, that she does not enjoy a larger share at this time, may be accounted for in part by the fact, that the unspeakable benefits of trade, and its attendant blessings have been attracted and enjoyed by her neighbours, while she has been forced, under many disadvantages, to participate very partially, and exposed to comparative uncertainty and expense.

The improvement and extension of the navigation of the Wabash, when completed, will it is believed secure to our state a character, and to our citizens encouragement in all respects equal to our legislative power; it will add to our population, protect industry, ensure an increasing revenue, and afford to the body politic practical and certain relief. The work itself will afford to many, who have expended their sweat and their money in unprofitable improvements, a certain remuneration, and comfort and perhaps happiness will be carried to the cabin of the suffering poor; the more wealthy who have embarked funds in our soil will find speedy relief, and money will circulate at the extremities of the state, passing through all classes and grades in its course; manufactures will be established and the intellectual and moral character of our citizens will be fortified beyond the possibility of chance. But the wealth created by the labour of constructing and perfecting the contemplated improvement and extension of the Wabash is of small import indeed and but momentary, when the enduring additional value of our soil and products, and the enterprize and knowledge the work will disseminate, and the new products it will entice, and



the value of the various substances that now lie interred in our soil, and the revenue, benefits and facilities which must universally accrue are taken into consideration.

Your committee are aware, in estimating the importance of the contemplated improvement as a source of unfailing revenue, that the progressive state of the country, and what it is clearly destined to become, must not be overlooked; it is believed however a very slight retrospect will shew the progress of population, intelligence and wealth, and that it is necessary here only to call it to remembrance. In an agricultural point of view, the effects of the improvement recommended, can be estimated with positive certainty. The products of the west can find their only outlet at present in New-Orleans, and that market, even now, is so often glutted; that our citizens sacrifice their fortunes by seeking it, as many of them do their health by the ravages of the climate. What must that market become in a few years hence, when western population and products will have greatly increased? It will not, with all its hazards, afford us, for the result of our labour of ten acres, estimating the difficulty and expense of transportation, what an eastern farmer can obtain for his labour of one, of inferior soil. The unerring evidence of example dissipates all doubt, as regards the effect upon agriculture; for there is no country deprived of equal and certain facilities to trade, in which agricultural prosperity and wealth can be found: That the population of the west must increase more rapidly hereafter, than it has done heretofore, is apparent from existing causes. The census of the United States in 1790 did not present four million of souls, and of that number the west was first explored and brought into notice; in 1820 the United States' census returns near ten millions. Here is an additional cause of increase in the west, more than twice as great as our first settlers sprang from. Of this general increase Indiana has heretofore participated largely, and her soil, her government and her climate will continue to allure settlers on the increased ratio of the population of the Union, if we afford to them the same facilities of a market now enjoyed by our neighbours, and really essential to the prosperity of every pursuit.

By the New York canal, we have experimental knowledge from which to calculate, that a boat with one man, one horse and a boy, can convey fifty tons 35 miles in a day; such is the estimate and the average cost for freightage, the newspaper advertisements inform us is about one fourth of a cent per pound for each hundred miles. Now let us examine the improvement under consideration which may be properly viewed, as the continuation of that great work, by the same rate for freightage,

upon the most reduced scale of quantity: first, however, rendering manifest the expenditure required for land carriage, to which our citizens are now subject three fourths of the year.

It would require twenty or twenty-five wagons, with five horses and a man to each, to convey the quantity taken in the boat, with one horse, one man and a boy, the same distance, two days: these at four dollars each per day, would amount to two hundred dollars, and require a capital, exclusive of wear and tear, of about ten thousand dollars. The result of the difference of expenditure, required by the two modes of conveyance, every thing considered, is as one dollar to forty dollars; and the reduction of time, of distance, of expense and of labor, must be in the same ratio. Situated as this state is, near to the centre of the territory of the Union, we will be brought, by the improvement under consideration, near to its extreme points; with a market for consumption and supply brought home without hazard, or delay, and a rich and productive country around us. The well established fact, that eastern markets afford at least one fourth more for our staple articles above that of New-Orleans, admits of no dispute; and a calculation of this, with a certain reduction of the price of our supplies, would soon refund the whole expenditure.

According to well informed opinion, the improvement of the navigation of the whole extent of the Wabash, from the Ohio to the junction of the contemplated canal, at or near Little River, will cost this state about two hundred thousand dollars, after paying for the property converted and retained for public advantage; and the water power to be gained by its improvement, would even now, it is thought, almost realize the sum by sale, if it were matter of certainty that the work shall progress. At all events, it is not doubted, that the different sites for machinery will by rent, go far towards paying the interest on the sum stated, independent of the yearly increase in value. The cost of the canal, from Little River to the junction of the St. Mary's and St. Joseph's, will, it is hoped, be more than equalled by a donation of land from the United States. Its cost however, in the mean time, suppose, three hundred thousand dollars. Assuming, as the cost of the whole work the sum of five hundred thousand dollars, which must be expended and circulated in our own state, the annual interest at six per cent. will be thirty thousand dollars. Now viewing the large portion of southern and eastern trade, that will unquestionably prefer this route to their places of destination, as being the most direct and safe, to send only two boats per day of fifty tons burthen, and supposing the whole freight to consist of domestic produce, which, according to the provisions of any politic law, will be

chargeable only with one half the toll that should be laid on foreign manufacture, the revenue annually derived will be on the capacity of the boats,	\$29,200 00
On 36,500 tons freight \$1 25,	43,300 00

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\$72,500 00

Affording, independent of all other considerations, an annual profit, over the annual interest, of forty-two thousand five hundred dollars, which in a very few years will refund the whole sum expended. And can it be supposed, that this number of boats and this quantity of freight will not, independently of our own trade, pass this route to and from market? One moment's reflection will cancel the thought. Eight barrels of pork, lard or beef, and nine barrels of wheat or common grain, on an average, and one and a half hogsheads of tobacco, are commonly allowed to make one ton: the whole tonnage estimated will require only 300,000 barrels, or 54,750 hogsheads, not half the bulk or weight of the present transportation of cotton, &c. sent to the east, and manufactures sent to the south. Now 300,000 barrels of wheat, or 54,750 hogsheads of tobacco, is not more than the product of 50,000 acres of land, the wheat yielding twenty-five bushels to the acre, the tobacco giving about 1,200 pounds; the whole quantity, less than the product of three entire townships of land, would afford the profitable result above stated, by its tolls, to perfect a route to market that will command a large portion of the trade of four or five growing and important states, without anticipating or calculating any of the invaluable advantages it will afford to our own interests; which, independent of all other considerations, would, 'tis thought, justify and redeem the undertaking.

After what your committee have advanced, no one can for a moment entertain a belief, that the improvement and extension of the navigation of the Wabash is premature. The work progressing in Ohio, which will require an expenditure of ten times the sum to effect the same object, is before us: it must indeed be foolish, if the work we recommend be premature; and we have the authority of one of the first men in the nation to sanction us, when we say, that the undertaking of Ohio is wise and politic. In the year 1831 or 2, if not sooner, it seems the work of that state will be completed, and the great work herein recommended might be accomplished before that time. This consideration materially strengthens our views, as it is well known, that if trade is once taken, or diverted to a particular channel, it cannot be immediately recalled.

Your committee have satisfactorily ascertained, that the dis-



tance from the Ohio to Little River, the contemplated point of junction with the Miami of the Lake, is by water, about 475 miles, and that the chief obstructions to the navigation of near two hundred miles, have been examined and reported heretofore, by Messrs. Polk and Hinde, commissioners on the part of this state and Illinois. The river, above the point where Illinois ceases to have concurrent jurisdiction, has not been surveyed, or officially explored; but it is ascertained, that from thence up to the Prophet's town, at the mouth of the river Tippecanoe, there exists no important natural obstruction. From thence to the contemplated point, at or near Little River, there are many rapids, where water power may possibly be acquired of immense importance to various manufactures, in a neighborhood too, of such mineral riches, that valuable ore, stone coal and clay of a rare and fine quality, may be rendered a source of inexhaustible wealth, as the innate value of some of them can be rendered available by the power alluded to. The navigation of the river in some parts is said to be obstructed by sand only, where there is at all seasons, an abundance of water, if it were confined: the adjoining bank of such places is generally low on one side or the other; and the removal of the sand by the improved machines now in use for that purpose, will be a work of little comparative labour. Such removal to the lowest bank will prevent the inundation, and redeem an immense country of overflowed land; thus affording a wider scope for improvement, advantageous in its effect to the general health of our citizens, as well as to the general government, whose soil will soon find purchasers, and the revenue of the state be thereby enhanced. Your committee discover a cross-cut canal, from some point on the Wabash to intersect Whitewater, has attracted attention. That the period will arrive when the location of a cross-cut canal in that direction, may merit and command the protecting aid of the state, is not doubted; but the main work on the Wabash should first be completed, and then, if deemed expedient, you may embrace the latter work, if it be practicable. A doubt being suggested in the message of the Governor on the propriety of authorizing the survey and marking of a way for the connecting canal of the Wabash with the Miami, the chairman of your committee addressed to him a letter of inquiry, to which the following satisfactory answer was received:

INDIANA EXECUTIVE DEPARTMENT, }  
DECEMBER 22d 1825. }

Hon. JOHN EWING:

Sir—Allow me to acknowledge the receipt of your communication of the 20th inst., requesting me to state whether I

intended to express an opinion in my communication of the 8th inst. that the General Assembly of Indiana could not proceed to survey the route of the contemplated canal, to connect the waters of the Wabash and Miami of the Lake, until the Indian claims to the soil were quieted, &c.; and in answer to the same, to remark, that I did not intend to express any opinion, but to suggest doubts that were entertained.

The consideration of this point may be waived, however, provided the information which the agent of Indian affairs in that part of the state, has given me personally, be certain, "that the natives will not resist any improvement which the General Assembly of Indiana may authorize upon their lands." This consent will obviate the doubt.

Most respectfully,

J. BROWN RAY.

CHAIRMAN OF THE CANAL COMMITTEE.

Your committee could entertain no doubt after the reception of the above; and possessing a knowledge of your authority under the act of Congress of the 18th May, 1824, and of different improvements having been surveyed and constructed, under like circumstances, every such objection to adopt the necessary preparatory measures must vanish; but the assent of the Indians in this case is satisfactory. In "the spirit of improvement now abroad upon the earth"—in the wisdom and liberality of Congress—and in the national benefit to accrue from the connection intended, Indiana has a sure pledge of such additional donation of land, as may be required. That a qualified officer of the United States corps of Engineers may, on proper application, be procured, is the hope of your committee; and it will be discovered, they have provided for such application to be made, so soon as possible. They have nothing before them on which to found estimates; they therefore confine their present measures to a bill founded upon data already in the proper department, respecting the part of the river connected with Illinois; and to the introduction of a bill, which when carried into effect, will lay the foundation of a rich legacy to posterity, and afford to the present generation a taste of its invaluable effects. By your adoption of the first bill mentioned, Illinois will be encouraged to act in conjunction; and by your adoption of the second, the state will secure a site for the connecting canal. Congress will be induced to act in our behalf with earnestness and accurate views, and plans, and estimates will be laid upon your table. Hence your committee, without attempting to point out the commanding advantages of this state in prospect, by a connection of the singular combination of rivers, lakes and creeks, to her utmost limits, will conclude this report.

The bills remarked upon, with maps of the contemplated improvement and extension from the most accurate documents, are herewith presented.

The engrossed bill from the House of Representatives, appointing commissioners to re-locate the seat of justice of Madison county; the engrossed bill from the House of Representatives, to improve the navigation of the Mascatituck rivers; and the joint resolution relative to the securities of the late sheriff of Crawford county, were severally read a second time, committed to a committee of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill to authorize Jacob Caylor to dig a mill race through a part of a school section in Wayne county, was read a second time, and ordered for third reading to-morrow.

The engrossed joint resolution relative to the preservation of the laws and journals, and the engrossed bill concerning prosecuting attornies, were severally read a third time and passed, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill from the House of Representatives authorizing the leasing of a reserved quarter section of land in Washington county including Rice's lick, was read a third time, committed to the judiciary committee, with instructions so to amend said bill as to embrace all similar cases.

The Senate now according to order, resolved itself into committee of the whole, on the bill amendatory of the law, and for the better advancement of justice, together with sundry other bills on similar subjects heretofore referred to the same committee of the whole:

Mr. Montgomery in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same, and to ask leave to sit again.

And by unanimous consent of the Senate, leave was granted the committee of the whole Senate to sit again on said bill.

And the Senate adjourned to 9 o'clock to-morrow morning.



FRIDAY, DECEMBER 30, 1823.

The Senate assembled.

Mr. Colman laid before the Senate the petition of William C. Linton and other citizens of Vigo county, praying the Legislature to memorialize congress, on the subject of so locating the National Road, as that it shall pass through Terre Haute the seat of justice of Vigo county; which was read and referred to a select committee, composed of Messrs Colman, Rariden and Smiley, to report thereon by memorial or otherwise.

Mr. Colman offered for consideration and adoption the following resolution, to wit:

*Resolved*, That a committee be appointed to enquire into the expediency and practicability of creating a fund out of the road tax in the county of Vigo for the purpose of draining ponds and removing stagnant waters within said county, with leave to report by bill or otherwise.

And on the question shall this resolution be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Rariden, Smiley and Stapp—13.

*And those who voted in the negative were,*

MESSRS. Montgomery, Pennington and Watts—3.

And Messrs. Colman, Chambers and De Pauw, were appointed that committee.

Mr. Smiley introduced a bill amendatory of the act entitled "an act to regulate the mode of doing county business, approved January 31, 1824;" which was read, and ordered for second reading to-morrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had on this day laid before the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to provide for a more certain return of the votes for Governor and Lieutenant Governor.

An act providing for removing the obstructions in the river Patoka.

An act for the relief of William Youse former sheriff of Union county.

An act authorizing the surviving administratrix of the estate of Harvey Heth, deceased, to sell and convey real estate.

And an act for the relief of Jonathan Gifford and others.

The engrossed bill from the House of Representatives, authorizing John W. Cox, to erect a mill dam across the west fork of White river, was read second time, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thornton Clerk of the House of Representatives, now informed the Senate, that the House of Representatives, have passed an engrossed bill, entitled an act to amend an act entitled "an act relative to county boundaries, Approved January 31st 1824," in which they request the concurrence of the Senate.

And that the Speaker of the House of Representatives, having signed a joint resolution of the General Assembly relative to the agent of the three per cent. fund, he was directed to bring it to the Senate for the signature of their President.

And the said last mentioned joint resolution, being signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate again according to order resolved itself into committee of the whole, on the bill amendatory of the law, and for the better advancement of justice, and the several other bills committed to them:

Mr. Montgomery in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had again, according to order, had the said bill under consideration, had made further progress therein, but not having time to go through the whole of the said bill, had instructed him to ask leave to sit again, and leave was granted.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The engrossed bill from the House of Representatives to amend an act entitled "an act relative to county boundaries, approved January 31st, 1824," was read a first time, and ordered for second reading to-morrow.

The Senate now according to order resolved itself into committee of the whole Senate on the bill amendatory of the law, and for the better advancement of justice:

Mr. Montgomery in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole

Senate had, according to order, again had the said bill under consideration, had made considerable progress therein but not having time to go through the whole bill, had instructed him to report the same, and ask leave to sit again. And

On motion,

Leave was granted the committee of the whole to sit again on said bill.

And the Senate adjourned to 9 o'clock to-morrow morning.

## SATURDAY, DECEMBER 31, 1825.

The Senate assembled.

On motion by Mr. Gregory,

Mr. Ewing is added to the select committee on the petition of the citizens of Dubois, Daviess and Martin counties, praying a part of Daviess county may be attached to the county of Dubois.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed the bill from the Senate entitled, An act for the benefit of William Reed, with an amendment; in which amendment they ask the concurrence of the Senate. And they have passed the bill from the Senate entitled, An act supplemental to an act entitled, "an act declaring Blue River a public highway, and for other purposes, without amendment.

And the said amendment relative to the bill for the benefit of William Reed, was read, and concurred in; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate again, according to order, resolved itself into committee of the whole, on the bill amendatory of the law, and for the better advancement of justice:

Mr. Pennington in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, again taken the said bill under consideration—had made sundry amendments thereto, and had instructed him to ask the concurrence of the Senate therein.

When, previous to taking any order on said amendments, the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw, from the joint committee on enrolled bills,



now reported, that they had on this day, laid before the Governor, for his approval and signature, "A joint resolution of the General Assembly, relative to the agent of the three per cent. fund."

The Senate now proceeded to consider the various amendments made in committee of the whole, to the bill amendatory of the law, and for the better advancement of justice. And the same being considered separately, were concurred in, except three; which were not concurred in.

Mr. Pennington then moved to amend the said bill, by adding thereto the following section, to wit:

SEC. That in all actions of debt, except actions upon statutes for penalties, and in all actions of assumpsit, except special assumpsits and agreements, and warrantees, it shall not hereafter be necessary for the plaintiff to file any declaration, or the defendant any pleas or defence; but the same shall be submitted to a jury upon testimony alone."

And upon the question, will the Senate adopt this amendment to said bill? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, Ewing, Graham of Jackson, and Pennington—6.

*And those who voted in the negative were,*

MESSRS. De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Rariden, Smiley, Stapp and Watts—10.

So it was decided in the negative.

Mr. Cotton then moved to amend the said bill, by adding thereto the following section, to wit:

"SEC. That the power of the judges of the several courts in this state, to issue attachments, and inflict summary punishments for contempt of court, shall be extended to the following cases, to wit: to the official misconduct of the officers of such courts, respectively; to the negligence and disobedience of officers, parties, jurors or witnesses, against the lawful process of the court; to the misbehaviour of any person in the presence of the court, obstructing the administration of justice: *Provided however,* That no person shall be fined more than three dollars, unless by the verdict of a jury: *Provided also,* That confinement for contempts in open court, shall not exceed six hours."

And upon the question, shall this amendment be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, Ewing, Graham of Jackson, and Graham of Clark—4.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Givens, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—12.

So it was decided in the negative.

Mr. Ewing then offered the following amendment to said bill, to wit:

“It shall not hereafter be lawful for any judge or judges, or any person or persons, exercising either judicial, ministerial or executive authority in this state, to deprive any citizen or citizens of his, her or their personal liberty, without the intervention of a jury, upon any charge of contempt offered to, or supposed to be offered to such judge or judges, or person or persons aforesaid; and in all such cases the discretionary power shall be exercised under the fifth section of the first article of our constitution, and confined to the infliction of a fine not exceeding three dollars, to be levied and collected as other fines; but in aggravated cases of actual contempt in open court, the culprit shall be subject to presentment and indictment, and shall be fined or imprisoned, or sentenced to suffer both, at the discretionary finding of the traverse jury; and all fines inflicted and recovered as aforesaid, shall be disposed of as other fines are now directed by law to be disposed of; any custom or usage of courts to the contrary of the enactment herein contained, notwithstanding; reserving however all proper chancery powers, to be exercised in chancery cases only. And

On the question, shall this bill be so amended? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, Ewing and Graham of Jackson—4.

*And those who voted in the negative were,*

MESSRS. Colman, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—13.

So it was decided in the negative.

Mr. Stapp then moved to amend the said bill, by adding thereto the following section, to wit:

Sec. The power of circuit courts, or any judge thereof, to fine and imprison for contempts against their dignity and

authority, shall be limited to imprisonment for six hours, or a fine of ten dollars, with the power to imprison the offender until such fine is paid; and in all cases of contempts, where such court or judges shall be of opinion, that ten dollars would be a punishment inadequate to the enormity of the offence, it shall be the duty of said court or judge, to recognize the offender to answer for the offence as for other breaches of the peace, at that or the next ensuing term of the circuit court; whereupon said offender shall be liable to answer for said offence on an indictment, and if committed, shall be liable to a fine not exceeding one thousand dollars, at the discretion of the jury who try the same; reserving however, all proper chancery powers, to be exercised in chancery cases only."

And on the question, shall this amendment be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Ewing and Stapp—2.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley and Watts—15.

So it was decided in the negative.

On motion by Mr. Pennington,

The Senate now resolved itself into committee of the whole, on the bill appointing commissioners to re-locate the seat of justice of Madison county:

Mr. Graham of Clark in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with amendments; which were read, and concurred in, and the said amendments ordered to be considered as engrossed, and with the bill read a third time on Monday next.

Mr. Cotton, from the select committee to whom the subject had been referred, now introduced a bill extending the jurisdiction of justices of the peace; which was read a first time, and ordered for second reading on Monday next.

On motion,

The Senate adjourned to Monday morning 9 o'clock.



MONDAY, JANUARY 2, 1826.

The Senate assembled.

Mr. Cotton from the committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill, entitled an act supplemental to an act, declaring blue river a public highway, and find the same truly enrolled.

Mr. Grass from the committee on state roads, to whom was referred the petition of William R. Morris and others, citizens of Franklin county relative to the location of a state road in said county, now reported—that they had taken the same under consideration, and are of opinion that it is inexpedient to legislate thereon, and the said report was read and concurred in.

Mr. Stapp introduced a bill appointing an agent for the 3 per cent fund; which was twice read and committed for tomorrow.

Mr. Ewing offered for consideration and adoption, the following preamble and resolution, to wit:

Whereas the freedom of enquiry prevents both personal and mental degradation, and no false and libelous slander against a member, calculated to prostrate the standing and impeach the motives and integrity of a member should be allowed to pass unheeded, however worthless the source from which it may come: And whereas the representatives of honest freemen should preserve their own rights, that the rights and interests of our constituents may never be infringed upon or darkened by personal and hasty rancour; I request that a committee be appointed to examine and report upon the charges alleged against me in a Newspaper called the "Public Leger," under date of 24th December, 1825, and that the committee report upon the truth of the same, together with all such proper evidence as may be obtained by them in regard to my course, and the course attributed to me in the publication aforesaid: And therefore,

*Resolved*, That a committee of three persons be appointed, to inquire into the truth of the above referred to charges, with instructions to report to the Senate the evidence upon which said charges were made, and the validity of the same.

And the said resolution and preamble being read, were adopted; and Messrs. Stapp, Watts and Gregory appointed a committee conformably thereto, with leave to report thereon.

Mr. Stapp then moved to be excused from serving on said committee.

And on the question, shall Mr. Stapp be excused from serving on said committee? It was decided in the negative.

Mr. Wick, Secretary of State, now informed the Senate that

he had it in charge from his Excellency the Governor to announce to the Senate, that he did on the 31st ult. approve and sign, the enrolled bills entitled:

An act for the relief of William Youse, former sheriff of Union county.

An act for the relief of Jonathan Gifford, and others.

And a joint resolution of the General Assembly relative to the agent of the three per cent. fund.

Which bills and resolution originated in the Senate, and have been by the Governor, filed in the office of the Secretary of State.

On motion by Mr. Graham of Jackson,

*Resolved*, That the Senate do now proceed to elect a Sergeant-at-arms, for the present occasion;

Whereupon,

Messrs. Rariden and Pennington having been appointed tellers, the Senate proceeded to elect a Sergeant-at-arms for the present occasion; when upon counting the ballots, Alexander Russell was declared duly elected Sergeant-at-arms for the present occasion, by a unanimous vote of the Senate.

Mr. Russel was then called into the Senate chamber and sworn into office as Seargeant-at-arms for the present occasion by the Hon. Bethuel F. Morris president judge of the fifth judicial circuit.

On motion by Mr. Graham of Jackson,

*Resolved*, That the Senate do now form themselves into a court of impeachment for the trial of Nathaniel W. Marks, sheriff of Rush county; and that the House of Representatives be informed thereof, and that the managers on the part of the House be requested to attend said court to prosecute on the charges and specifications preferred by the House of Representatives, against said Marks.

And Mr. Farnham was directed to inform the House of Representatives of the adoption of said resolution.

The Senate now accordingly formed itself into a court of impeachment for the trial of Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana; and the oath faithfully and impartially to discharge their duty as such court of impeachment, was administered to the President, and members of the Senate, by Bethuel F. Morris Esq. president judge of the fifth judicial circuit.

And the court of impeachment having been proclaimed open in due form by the Sergeant-at-arms, Nathaniel W. Marks was called, who appeared, and the managers on the part of the House of Representatives failing to attend, the court adjourned to 2 o'clock P. M.

The Senate then assembled in its legislative capacity.

The engrossed bill legalizing the proceedings of the school trustees of Congressional township No. 9, in range No. 2 west, in Franklin county, was read a second time, and laid on the table.

The engrossed bill from the House of Representatives, to authorize the lessee of the ferry across White river, near Indianapolis to erect a dwelling house on said premises, was read a second time, and ordered for third reading to-morrow.

Mr. Thornton from the House of Representatives, informed the Senate, that the House of Representatives have adopted the following resolution, to wit:

*Resolved*, That the Senate be invited to occupy the Hall of the House of Representatives, when sitting as a court of impeachment, to try Nathaniel W. Marks, sheriff of Rush county.

And that the Speaker of the House of Representatives having signed an enrolled bill, he was directed to lay the same before the Senate for the signature of their President, and the said bill being signed by the President of the Senate was handed to the committee on enrolled bills to be laid before the Governor for his approval and signature.

The bill to alter the time of holding circuit courts in Floyd county; the bill to amend the act, regulating general elections; the bill in addition to an act entitled an act declaring certain streams therein named public highways, approved January 26 1824; and the bill amendatory to the act entitled "an act to regulate the mode of doing county business, approved January 31st, 1824, were severally read a second time, severally committed to committees of the whole Senate, and made the several orders of the day for to-morrow.

The engrossed bill providing for ascertaining the expense of supporting the poor annually in this state, was read a second time, and ordered to be engrossed for third reading to-morrow.

The engrossed bill to amend an act entitled "an act relative to county boundaries, approved January 31, 1824;" and the bill extending the jurisdiction of justices of the peace, were severally read a second time, severally committed to committees of the whole Senate, and made the several orders of the day for to-morrow.

The engrossed bill authorizing Jacob Caylor to dig a mill race through a part of a school section in Wayne county; and the engrossed bill appointing commissioners to re-locate the seat of justice of Madison county as amended, were severally read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of those



bills, and request their concurrence in the amendment made to the last mentioned bill.

The Senate now according to order, resolved itself into committee of the whole, on the bill, in addition to an act entitled, "an act relative to crimes and punishments—approved, January 20, 1824:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with an amendment; which was by striking out the said bill from the enacting clause.

And on the question, will the Senate concur in the amendment made in committee of the whole to said bill? It was decided in the affirmative; and the further consideration of the said bill was postponed indefinitely.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act entitled, "an act for the better management of the state prison—approved, January 31, 1824:"

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

The bill was then ordered to be engrossed, and read a third time to-morrow.

On motion,

The committee of the whole Senate was discharged from the further consideration of the joint resolution, relative to the National Road from Wheeling to the Mississippi.

And the said resolution was ordered to lie on the table.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had laid before the Governor, for his approval and signature, the enrolled bill entitled, An act supplemental to an act entitled, "an act declaring Blue River a public highway, and for other purposes."

The Senate now, again formed itself into a court of impeachment, for the trial of Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana, pursuant to adjournment of this forenoon. And after being so formed, the court proceeded to the Hall of the House of Representatives, where they had been invited by that House to sit; and having taken their seats in the

Representative Hall as a court of impeachment, Nathaniel W. Marks, defendant aforesaid, being called, appeared; and the following articles of impeachment, (a copy of which had been previously served on him by the sergeant-at-arms, as appears by the return on the summons,) were read to the said Nathaniel W. Marks, sheriff of the county of Rush, in the State of Indiana, to wit:

*HOUSE OF REPRESENTATIVES, }  
20th December, 1825. }*

STATE OF INDIANA, ss.

Articles of impeachment exhibited by the House of Representatives of said state, in the name of themselves and the people of the state of Indiana, against Nathaniel W. Marks, Sheriff of the county of Rush, in the state aforesaid.

ARTICLE 1. That the said Nathaniel W Marks, sheriff of the said county of Rush, has been and is guilty of forgery, to wit: at the county of Rush, in the state aforesaid.

*Specification 1.* That the said Nathaniel W Marks, sheriff of the said county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at the county of Rush, and within the state of Indiana, did feloniously and falsely make and forge, and did falsely procure to be made and forged, a certain certificate, purporting to be a certificate of Robert Thompson, clerk of the circuit court of Rush county, with the proper seal of said circuit court thereto annexed, certifying the amount of revenue in Rush county for state purposes, for 1822, the tenor of which said false and forged certificate is as follows:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that there stands charged against N. W. Marks, sheriff of Rush county, one hundred and fifty-one dollars, that being the amount of revenue in Rush county for state purposes, for the [year] one thousand eight hundred and twenty-two, as appears by the list filed in my office. In testimony whereof I have hereunto set my hand and seal of my office, this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. G.

With intent to defraud the state of Indiana of the sum of thirty-four dollars and fifty cents, part of the taxes for state purposes in the said county of Rush, for the year one thousand eight hundred and twenty-two, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

*Specification 2.* That the said Nathaniel W Marks, sheriff of the county of Rush, in the state of Indiana, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at and within the state of Indiana, a certain false, forged and counterfeit certificate, purporting to have been made and signed by Robert Thompson, clerk of the Rush circuit court, with the proper seal of said circuit thereon impressed, with force and arms feloniously did utter and publish as a true certificate of the clerk of said circuit court, which said certificate so as aforesaid falsely made, forged and counterfeited, is in the words and figures following:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify

that there stands charged against N. W. Marks, sheriff of Rush county, one hundred and fifty-one dollars, that being the amount of revenue in Rush county for state purposes, for the [year] one thousand eight hundred and twenty-two, as appears by the list filed in my office. In testimony whereof I have hereunto set my hand and seal of my office, this 9th day of November, A. D. 1822.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana of the sum of thirty-four dollars and fifty cents, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-two contrary to the form of the statute in such case made, and against the peace and dignity of the state of Indiana

*Specification 3.* That the said Nathaniel W Marks, sheriff of Rush county, and state of Indiana, duly elected, commissioned and qualified to act as such sheriff, while acting in and exercising his said office of sheriff of Rush county aforesaid, at and within said county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, feloniously did falsely make, forge and counterfeit, and did cause and procure to be falsely made, forged and counterfeited, a certain certificate purporting to be a certificate of Robert Thompson, clerk of the circuit court of Rush county, with the seal of said circuit court thereto annexed, certifying the amount of the state tax for the county of Rush, for the year one thousand eight hundred and twenty-three, which said certificate so as aforesaid falsely made, forged and counterfeited is in the words and figures following:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that N. W. Marks, sheriff of Rush county, stands charged with one hundred and eighty-four dollars, being the amount of revenue in Rush county for state purposes, for the year one thousand eight hundred and twenty-three: In testimony whereof I have hereunto set my hand and seal of my office this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana the sum of forty-eight dollars, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-three, contrary to the form of the statute in such case made and provided and against the peace and dignity of the state of Indiana.

*Specification 4.* That the said Nathaniel W Marks, sheriff of Rush county, and state of Indiana, duly elected, commissioned and qualified to act as such sheriff, and while acting in and exercising his said office of sheriff of the county of Rush, on the ninth day of November, in the year of our Lord one thousand eight hundred and twenty-three, at and within the county and state aforesaid, a certain false, forged and counterfeit certificate, purporting to have been made and signed by Robert Thompson, clerk of the Rush circuit court, with the proper seal of said circuit court thereto annexed, with force and arms feloniously did utter and publish as a true certificate of the clerk of the said circuit court; which said certificate so as aforesaid falsely made, forged and counterfeited, is in the words and figures following:

STATE OF INDIANA, }  
Rush county, } ss.

I, Robert Thompson, clerk of the Rush circuit court, do hereby certify that N. W. Marks, sheriff of Rush county, stands charged with one hundred and eighty-four dollars, being the amount of revenue in Rush county.



for state purposes, for the year one thousand eight hundred and twenty-three: In testimony whereof, I have hereunto set my hand and seal of my office this 9th day of November, A. D. 1823.

(L. S.)

ROBERT THOMPSON, C. R. C. C.

With intent to defraud the state of Indiana of the sum of forty-eight dollars, part of the taxes for state purposes in the county of Rush, for the year one thousand eight hundred and twenty-three, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

ROBERT M. EVANS, Speaker H. R.

And it being demanded of him, whether he is guilty or not guilty, of the high crimes and misdemeanors alleged against him, in the articles and specifications aforesaid; for answer thereto, he the said Nathaniel W. Marks, sheriff as aforesaid, says he is not guilty; and further says, he is unable to employ counsel in his defence, by reason of poverty; and prays the court will assign him counsel for his defence against the impeachment aforesaid, for the reason by him as aforesaid set forth.

And on the question, will the court assign counsel for the defence of Nathaniel W. Marks?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, Ewing, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Smiley and Watts—11.

*And those who voted in the negative were,*

MESSRS. De Pauw, Givens, Graham of Jackson, Pennington, Rariden and Stapp—6.

So it was decided and adjudged in the affirmative, by eleven against six members of the court.

The court thereupon, assigned as counsel to the said Nathaniel W. Marks, for his defence, Thomas H. Blake and William W. Wick, Esquires, who were present in court; and it being demanded of the said Nathaniel W. Marks, if he is now ready to go into the trial of the impeachment aforesaid; he, the said Nathaniel, prays the court will grant him time until to-morrow morning, to advise and consider of and about his defence, with the counsel so as aforesaid assigned to him, for his said defence.

And upon the question, will the court grant time to the said Nathaniel W. Marks, until to-morrow morning to prepare for his defence? It was decided in the affirmative, and time granted. And the court of impeachment adjourned until to-morrow morning nine o'clock; then to meet in the Representative Hall, for the trial of the impeachment aforesaid.

And the Senate returned to their Chamber, where they again assembled in their legislative capacity.

On motion by Mr. Pennington,

The engrossed bill from the House of Representatives, giving certain powers to the administrators of Eliza Stewart, deceased, which had been laid on the table, was now taken up; when a motion was made to concur in the amendment made in committee of the whole Senate to said bill; which amendment was, by striking out the said bill from the enacting clause.

And on the question, will the Senate concur in said amendment? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, Ewing, Givens, Graham of Clark, Rariden, Stapp and Watts—7.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Pennington and Smiley—10.

So it was decided in the negative.

A motion was then made to postpone the further consideration of the said bill indefinitely; which was decided in the affirmative.

The Senate now according to order resolved itself into committee of the whole, on the bill concerning aliens:

Mr. Givens in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate had, according to order, had the said bill under consideration—had made an amendment thereto; which was by striking out the said bill from the enacting clause; in which amendment he was instructed to request the concurrence of the Senate.

And on the question, will the Senate concur in said amendment? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Grass, Gregory, Montgomery, Pennington, Rariden and Smiley—10.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Graham of Jackson, Graham of Clark, Oliver, Stapp and Watts—7.

So it was decided in the affirmative.

A motion was then made, that the further consideration of the said bill be postponed indefinitely; which was decided in the negative.

Mr. Stapp then moved to amend the said bill, by inserting after the enacting clause, the following, to wit: "That the first proviso of the act authorizing aliens and foreigners to hold real estate within the state of Indiana—approved, January 14, 1818, be and the same is hereby repealed."

And on the question, shall the said bill be so amended? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, Ewing, Graham of Jackson, Graham of Clark, Oliver, Pennington and Stapp—8.

*And those who voted in the negative were,*

MESSRS. Colman, De Pauw, Givens, Grass, Gregory, Montgomery, Rariden, Smiley and Watts—9.

So it was decided in the negative.

Mr. Gregory then moved to amend the said bill, by adding thereto, after the enacting clause, the following, to wit: "That the act entitled, "an act to authorize aliens and foreigners to hold real estate within the state of Indiana—approved, January 14, 1818," be and the same is hereby repealed. This act to be in force from and after its passage."

When, the same being under consideration, and considerable discussion had thereon; previous to coming to any determination on the same, the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, JANUARY 3, 1826.

The Senate assembled:

The Senate now formed itself into a court of impeachment, for the trial of Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana, pursuant to adjournment of yesterday; and after having convened in the Representative Hall, and the court proclaimed open—then came as well the managers on the part of the House of Representatives, as the said Nathaniel W. Marks, sheriff as aforesaid, in his own proper person, and accompanied by his counsel as aforesaid; and the said Nathaniel W. Marks, by his counsel aforesaid, moved to quash, or strike out of the articles of impeachment aforesaid, the second, and fourth specifications in the said articles of impeachment, alleging that the said second, and fourth specifications did not



bring the offence, or crime, (if any) within the meaning of the statute in such case made and provided.

And on the question shall the said second and fourth specifications be quashed or stricken out?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Montgomery, Oliver, Stapp and Watts—7.

*And those who voted in the negative were,*

MESSRS. Colman, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Pennington Rariden, and Smiley—10.

So it was decided in the negative.

The court of impeachment then proceeded to hear the evidence in support of the articles of impeachment, and specifications aforesaid, during which, the said managers, on the part of the House of Representatives, offered as evidence, in support of the articles and specifications aforesaid, the official certificate of Robert Thompson, Clerk of the Rush circuit court, certifying the amount of the state revenue for the said county of Rush, for the year 1822, to be only \$151—when the certificate alleged to be forged by the said N. W. Marks, makes the state revenue for that year, amount to only \$185 50, the production of which certificate, and the reading thereof, as evidence, was objected to by the counsel, for the defendant.

And on the question, shall the said certificate be received, and read as evidence in support of the articles of impeachment, and specifications aforesaid? It was decided in the affirmative, by a unanimous vote of the Senate, sitting as a court of impeachment as aforesaid.

The court then proceeded in the examination of witnesses offered by the managers, in support of the articles of impeachment aforesaid; and the same having been gone through,

The court of impeachment adjourned to 2 o'clock, P. M. to meet in the Representative Hall.

*2 o'clock, P. M.*

The Senate again assembled in the Representative Hall, as a court of impeachment for the trial of Nathaniel W. Marks, sheriff of Rush county, pursuant to adjournment; and then also came as well the said managers on the part of the House of Representatives, as the said Nathaniel W. Marks in his own proper person, and by his counsel assigned to him as aforesaid, and the evidence in behalf of the said defendant being heard, and the arguments and allegations, as well of the managers on the part of the House of Representatives, as those of the counsel in behalf of the said defendant, being also heard; the high

court of impeachment will advise, and consider of, and upon their judgment or decree, on the articles of impeachment aforesaid, until to-morrow morning, and day thereof is given, as well to the said managers, as to the said defendant now here, because the court now here are not yet fully advised, &c.

And the Senate adjourned, to meet in the Senate chamber to-morrow morning 9 o'clock.

### WEDNESDAY, JANUARY 4, 1826,

The Senate assembled.

Mr. Oliver laid before the Senate, the remonstrance of James Osborn and others, citizens of Franklin county, against attaching any part of the said county of Franklin to Union county; which was read, and referred to the same committee of the whole Senate to whom had been committed the bill relative to county boundaries.

Mr. Ewing from the committee on county seminaries, now reported a bill amendatory to the acts relative to county seminaries, and affording additional power to the several boards of county justices; which was read a first time, and ordered for second reading to-morrow.

Mr. Grass from the committee on public roads and highways, now reported a bill establishing certain state roads therein named; which was read, and ordered for second reading to-morrow.

Mr. Gregory introduced a bill establishing the eastern boundary of Henry county; which was read, and ordered for second reading to-morrow.

Mr. Chambers laid before the Senate, the petition of John Peacock, praying an act of the General Assembly to change his name from Peacock to Lamb, for certain reasons therein set forth; which was read; and

Thereupon,

Mr. Chambers asked, and obtained leave to introduce a bill for changing the names of certain persons therein named; which was read, and ordered for second reading to-morrow.

Mr. Watts asked, and obtained leave to introduce a bill, to amend the act entitled, an act to authorize the location of certain state roads—approved, January 31, 1824;” which was read, and ordered for second reading to-morrow. And

On motion,

The Senate now again formed itself into a court of impeachment on the trial of Nathaniel W. Marks, sheriff of Rush county in the state of Indiana.

And the court having been proclaimed open by the sergeant-at-arms, now comes as well the managers on the part of the House of Representatives, as the said Nathaniel W. Marks, in his own proper person, and by his counsel aforesaid. And

On motion by Mr. Graham of Jackson,

*Ordered*, That the Senate as a court of impeachment, for the trial of Nathaniel W. Marks, sheriff of Rush county in the state of Indiana, will now proceed to decide on the guilt or innocence of the said defendant, on the several specifications separately; when the first specification being read,

On the question, is Nathaniel W. Marks guilty, as charged upon him in the said first specification? It was decided in the affirmative, by a unanimous vote of the Senate, sitting as a court of impeachment as aforesaid.

The second specification being then read, and the question put, is Nathaniel W. Marks guilty as charged in the second specification?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Grass, Gregory, Pennington, Rariden, Smiley and Watts—12.

*And those who voted in the negative were,*

MESSRS. Chambers, Graham of Clark, Montgomery, Oliver and Stapp—5.

So it was decided in the affirmative.

The third specification was then read.

And on the question, is Nathaniel W. Marks guilty of the crime as charged upon him in the third specification of the said articles of impeachment? It was decided in the affirmative by a unanimous vote of the Senate.

The fourth specification was then read.

And on the question, is Nathaniel W. Marks guilty of the crime as charged upon him, in the fourth specification in the said articles of impeachment?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Pennington, Rariden, Smiley and Watts—11.

*And those who voted in the negative were,*

MESSRS. Chambers, Ewing, Graham of Clark, Montgomery, Oliver and Stapp—6.



So it was decided in the affirmative; and the said Nathaniel W. Marks, was found guilty on all the specifications in the said articles of impeachment set forth.

Mr. Graham of Jackson, then moved that Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana, be removed from office.

And on the question shall Nathaniel W. Marks sheriff of Rush county be removed from office? It was decided in the affirmative, by a unanimous vote of the Senate, sitting as a court of impeachment as aforesaid.

Mr. Graham of Jackson, then moved that Nathaniel W. Marks, late sheriff of Rush county, be declared incapable of holding any office, of honour or profit, in or under the authority of this state for the term of            years; which motion was handed in, in writing and was as above stated, leaving a blank, as to the period of disqualification; when,

Mr. Pennington moved that the word "years" be stricken out, and the word "forever," inserted.

And on the question shall the word "years" be stricken out, and the blank filled up with the word "forever?"

*Those who voted in the affirmative were,*

MESSRS. Givens, and Pennington—2.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley Stapp and Watts—15.

So it was decided in the negative.

Mr. Watts then moved to fill up the blank aforesaid, with the word "five," so as to make it read "five years."

And on the question shall the said blank be filled up with the word "five?"

*Those who voted in the affirmative were,*

MESSRS. Chambers, De Pauw, Ewing, Graham of Jackson, Grass, Gregory, Montgomery, Rariden, Smiley and Watts—10.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, Givens, Graham of Clark, Oliver, Pennington, and Stapp—7.

So it was decided in the affirmative, and the blank filled up with the word "five."

The question was then put, shall Nathaniel W. Marks, late sheriff of Rush county, be disqualified from holding any office of honour, trust or profit, under the authority of this state for five years? And on this question:

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Ewing, Graham of Jackson, Grass, Gregory, Montgomery, Rariden, Smiley, and Watts—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Givens, Graham of Clark, Oliver, Pennington, and Stapp—7.

So it was decided in the affirmative.

It is therefore considered by the Senate of the state of Indiana, in court of impeachment, now here sitting for the trial of Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana; that Nathaniel W. Marks, sheriff of Rush county, in the state of Indiana, be removed from his said office of sheriff of the county of Rush aforesaid, and it is further considered, adjudged and decreed that the said Nathaniel W. Marks, be disqualified, and he is hereby disqualified from holding any office of honour, trust or profit, by or under the authority of the state of Indiana for the period of five years, from and after this date; all of which is finally ordered, considered, adjudged and decreed.

Mr. Graham of Jackson, then moved that the witnesses be called in and their claims for attendance entered of record; when the following witnesses, summoned in behalf of the state appeared, to wit:

*Robert Thompson, Charles Test and Charles H. Veeder, each of whom claimed and were allowed, seven day's attendance including milage.*

And the following persons summoned in behalf of the accused, appeared to wit:

*Thomas Carter, Joseph Nichols and Archibald Reed, each of whom claimed two days attendance.*

And the court adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled. And

On motion,

Again formed themselves into a court of impeachment on the trial of Nathaniel W. Marks; when the minutes of the trial of Nathaniel W. Marks being read in presence of all the members of the court.

The court now adjourned, sine die.

JOHN H. THOMPSON,

*President of the Senate.*

The Senate then convened in its legislative capacity.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they had compared the enrolled, with the en-

grossed bill entitled, "an act for the benefit of William Reed," and find the same truly enrolled.

Mr. Ewing offered for consideration and adoption the following preamble and resolution, to wit:

Whereas it has become matter of serious concern and expense, to have our legislative duties interrupted by the organization of courts of impeachment, and it is believed that jurisdiction of the offences of county officers, may with constitutional authority, and political, and moral, and pecuniary advantages, be transferred to the circuit courts, by indictment, to deprive such officers of their station, and vacate their offices when convicted of capital crimes:

*Resolved*, That the judiciary committee be instructed to enquire into the power and expediency of declaring by law, all county offices to be vacated by a conviction of the incumbent thereof, on a presentment or indictment, before the traverse jury in any circuit court, of a criminal offence that is punishable by confinement in the penitentiary.

And on the question, shall the said preamble and resolution be adopted? It was decided in the affirmative.

The bill amendatory of the law, and for the better advancement of justice, was now taken up, amended in sundry particulars, and ordered to be engrossed for third reading to-morrow.

On motion by Mr. Blake, counsel for N. W. Marks, late sheriff of Rush county,

Leave is given him to withdraw a certificate of delinquencies by him filed as evidence, on the trial of the impeachment against him. And

On motion by Mr. Graham of Jackson,

*Ordered*, That the Secretary of State and Auditor of Public Accounts, have leave to withdraw all papers filed by them, or brought in as evidence on the trial of the impeachment against N. W. Marks, late sheriff of Rush county.

The joint resolution relative to purchasers of public lands, was taken up, read, and

On motion,

The further consideration thereof was postponed indefinitely.

The engrossed bill from the House of Representatives, to authorize the lessee of the ferry across White river, near Indianapolis to erect a dwelling house on said premises, was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill, to amend the act, entitled "an act for the better management of the state prison," and the engrossed bill providing for ascertaining the expense of supporting the poor annually in this state, were severally read a third time, and



passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill, to repeal an act entitled, "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, "an act, supplemental to an act establishing a county seminary in the county of Knox—approved, February 12, 1825," was now taken up; and

On motion,

Was referred to a select committee, composed of Messrs. Graham of Jackson, Montgomery and Ewing, to report thereon.

On motion by Mr. Cotton,

The Senate now resolved itself into committee of the whole, on the bill extending the jurisdiction of justices of the peace:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported: That the committee of the whole Senate, according to order, had the said bill under consideration—had made some progress therein, but not having time to go through the whole bill, had instructed him to report the same and ask leave to sit again.

And on the question, shall leave be granted the committee of the whole to sit again on said bill? It was decided in the affirmative.

And the Senate adjourned to 9 o'clock to-morrow morning.

## THURSDAY, JANUARY 5, 1826.

The Senate assembled.

Mr. Gregory laid before the Senate the petition of N. W. Marks, late sheriff of Rush county, praying leave to withdraw from the Auditor's office, a certain certificate of delinquencies for the year 1823, which certificate had been produced before the court of impeachment as evidence on his trial; and the said petition was read, and the prayer of the petitioner refused.

Mr. Grass, from the select committee on the subject, now reported a bill to attach a part of the county of Daviess, to the county of Dubois; which was read a first time, and ordered to lie on the table.

Mr. Grass, also from the same select committee, to whom had been referred the petition of Levi P. Lockhart and others, praying the re-location of the seat of justice of Dubois county,

now reported—that in the opinion of the said committee, the prayer of the petitioners is unreasonable, and ought not to be granted; and the said report was read, and with the bill last above mentioned, ordered to be laid on the table.

Mr. Wick, Secretary of State, now informed the Senate that he had it in charge from his Excellency the Governor, to announce to the Senate, that he did on the 4th inst. approve and sign, the enrolled bill, which originated in the Senate, entitled:

An act supplemental to an act, entitled, “an act declaring Blue river a public highway, and for other purposes; and that the same has been filed in the office of the Secretary of State.

Mr. Stapp from the select committee to whom had been referred the investigation of a certain newspaper publication reflecting on the political conduct of John Ewing, Esq., a member of the Senate, now made a report; which was read, and ordered to lie on the table.

Mr. Gregory asked, and obtained leave to introduce a bill for the relief of the securities of Nathaniel W. Marks, late sheriff of Rush county; which was twice read, and committed for Saturday the 7th instant.

Mr. De Pauw, from the judiciary committee to whom had been referred the bill authorizing the leasing of a reserved quarter section of land in Washington county, including Rice's Lick, with instructions so to amend the same as to embrace all reserved lands, similarly situated; now reported a bill authorizing the leasing of lands, reserved for the use of salt springs; which was twice read, and committed for to-morrow.

The bill for changing the names of certain persons therein named, was read a second time and committed for to-morrow.

The bill to amend the act, entitled “an act to authorize the location of certain state roads, approved January 31st 1824,” was read a second time, and ordered to be engrossed for third reading to-morrow.

The bill establishing the eastern boundary of Henry county, was read a second time; when,

Mr. Rariden, moved that the further consideration of the said bill be postponed indefinitely.

And on the question, shall the further consideration of the said bill be postponed indefinitely? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

Messrs. De Dauw, Givens, Graham of Jackson, Graham of Clark, Montgomery, Oliver, Pennington, Rariden and Smiley

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, Grass, Gregory, Stapp and Watts—7.

So it was decided in the affirmative; and the further consideration of the said bill postponed indefinitely.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The bill establishing certain state roads therein named, and the bill amendatory to the acts relative to county seminaries, and affording additional power to the several boards of county justices, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The bill amendatory of the law, and for the better advancement of justice, was read a third time, and

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Graham of Clark, Grass, Montgomery, Rariden, Smiley, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Givens, Graham of Jackson, Gregory, Oliver and Pennington—6.

So it was decided in the affirmative, and the said bill passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

On motion,

The Senate now again resolved itself into committee of the whole Senate, on the bill extending the jurisdiction of justices of the peace:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read, and the bill, with the amendments were laid on the table.

The Senate now according to order, resolved itself into committee of the whole on the bill, amendatory to an act entitled, "an act to regulate the mode of doing county business:"

Mr. Colman in the chair;

When, after some time spent thereon, the committee rose,



Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with an amendment; which was by striking out the said bill from the enacting clause, and had instructed him to request the concurrence of the Senate therein.

And on the question, will the Senate concur with the committee of the whole in the amendment made to said bill? The ayes and noes being demanded:

*Those who voted in the affirmative were,*

MESSRS. Colman, Givens, Graham of Jackson, Graham of Clark, Gregory, Montgomery, Pennington and Stapp—8.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, De Pauw, Grass, Oliver, Rariden, Smiley and Watts—8.

And the Senate being equally divided, the President voted in the negative.

So the said amendment was not concurred in.

And the said bill was then committed to a select committee, composed of Messrs. De Pauw, Smiley and Cotton, to amend and report thereon.

The Senate now according to order resolved itself into committee of the whole Senate, on the bill fixing the times of holding the circuit courts in Floyd county:

Mr. Watts in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with amendments; which were read and concurred in; and the said bill as amended, ordered to be engrossed for third reading to-morrow.

The orders of the day were now dispensed with; when, the the President laid before Senate, a communication from John Ewing, Esq. a member of this Senate, relative to certain newspaper publications, reflecting on the political conduct of the said John Ewing; which was read. And,

On motion,

The Senate now resolved itself into committee of the whole on the report made by Mr. Stapp, from the select committee appointed to enquire into and report upon a certain newspaper publication, casting reflections on the political conduct of John Ewing, Esq. a member of this House:

Mr. Chambers in the chair;

And after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with an amendment; which was read; and the whole of the papers relative to the case, were ordered to lie on the table.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives concur in the amendments made by the Senate, to the bill from the House of Representatives entitled, An act for the relief of Benjamin Warner, deceased; and they also agree to the amendments proposed by the Senate, to the bill from the House of Representatives entitled "an act appointing commissioners to re-locate the seat of justice of Madison county." And that the Speaker of the House of Representatives having signed an enrolled bill, he was directed to bring it to the Senate, for the signature of their President.

And the said bill having been signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. De Pauw from the committee on enrolled bills, now reported—that the committee had compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to authorize the lessee of the ferry across White River near Indianapolis, to erect a dwelling house on said premises.

An act appointing commissioners to re-locate the seat of justice of Madison county. And

An act to authorize Jacob Caylor to dig a mill-race through a part of a school section in Wayne county. And found the same truly enrolled.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, JANUARY 6, 1826.

The Senate assembled.

Mr. Grass, from the committee on public roads and highways, to whom was referred the petition of sundry citizens of Fayette county, praying a change in a certain state road therein named, now reported—that they have had the same under consideration and are of opinion it is expedient to legislate thereon, and the said report was read and concurred in.

The engrossed bill to amend the act, entitled an act to authorize the location of certain state roads, was read a third time, and committed to the committee on state roads,

The engrossed bill to alter the times of holding the circuit courts, in the counties of Floyd and Crawford, was read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

On motion,

The committee of the whole Senate was discharged from the further consideration of the engrossed bill from the House of Representatives, to amend an act entitled, "an act relative to county boundaries—approved, January 31, 1824." And the said bill was ordered to lie on the table.

Mr. Colman now moved, that the report of the select committee relative to certain newspaper publications, against John Ewing, Esquire, a member of this Senate, be now taken up.

And on the question, shall the said report be taken up and considered? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Gregory, Oliver, Rariden, Smiley and Watts—6.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Montgomery, Pennington and Stapp—10.

So it was decided in the negative.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend the act entitled, "an prescribing the mode of changing the venue:"

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were severally read, and severally concurred in; and the said amendments were ordered to be engrossed, and with the bill read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill authorizing the leasing of lands reserved for the use of salt springs:

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the bill to the Senate with sundry amendments; which were read, and concurred in; and the bill



as amended, was ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill, in addition to an act entitled, "an act declaring certain streams therein named, public highways:"

Mr. De Pauw in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

The bill was then ordered to be engrossed, and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill establishing certain state roads therein named:

Mr. Givens in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with sundry amendments; which were read, and concurred in; and the bill as amended, ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the bill amendatory to the acts relative to the county seminaries, and affording additional powers to the several boards of county justices:

Mr. Montgomery in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read, and concurred in; and previous to taking any order on said bill, the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Givens moved to postpone indefinitely, the further consideration of the bill amendatory to the acts relative to the county seminaries, and affording additional powers to the several boards of county justices.

And on this question, the Senate being equally divided, the President decided in the negative.

So the said bill was not indefinitely postponed.

The bill was then ordered to be engrossed for third reading to-morrow.

On motion by Mr. Cotton,

The bill extending the jurisdiction of justices of the peace, was taken up, and the amendments considered separately.

The first amendment made in committee of the whole, was rejected.

The second amendment was then read; which was by striking out the word "twenty," in the fourth section, and inserting in lieu thereof, the word "fifty;" the object of which amendment is, to prohibit all appeals, from the judgment of the circuit courts to the supreme court, on all sums under fifty dollars, where the action has been once tried before a justice of the peace, and appealed from to the circuit court.

And on the question, shall the said amendment be concurred in? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Grass, Montgomery, Oliver, Smiley, Stapp and Watts—11.

*And those who voted in the negative were,*

MESSRS. Chambers, Givens, Graham of Clark, Gregory, Pennington and Rariden—6.

So the said amendment was concurred in.

Mr. Ewing then moved to amend the said bill, by striking out the eighth section.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, Ewing, Graham of Jackson, Grass, Gregory, Pennington and Stapp—7.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of Clark, Montgomery, Oliver, Rariden, Smiley and Watts—10.

So it was decided in the negative; and the said eighth section retained.

Mr. Givens then moved to amend the said bill, by striking out the first section.

And on the question, shall the first section of this bill be stricken out? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Givens, Gregory, Montgomery, Pennington and Stapp—5.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Graham of Clark, Grass, Oliver, Rariden, Smiley and Watts—12.

So it was decided in the negative; and the said first section retained.

Mr. Colman then moved to strike out the sixth section of said bill, and insert in lieu thereof, the following: "No execution shall hereafter issue against any security, entered on the docket of any justice of the peace, until the principal in such judgment shall be prosecuted to insolvency."

And a division of the question being called for, the question on striking out was first put, and decided in the negative.

Mr. Gregory then moved to amend the said bill, by adding at the end thereof, the following, to wit: "That nothing in this or any other act, shall be so construed as to prevent either party from taking up any judgment appealed from before a justice of the peace, to the supreme court, by a writ of error."

And on the question, shall this amendment be adopted? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Gregory, Pennington and Rariden—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Montgomery, Oliver, Smiley, Stapp and Watts—14.

So it was decided in the negative.

Mr. Montgomery then moved to amend the said bill, by adding thereto, the following section, to wit:

"Be it further enacted, That nothing in this or any other act, shall be so construed as to prevent the citizens of this state from having judicial proceedings according to the course of the common law, where either of the parties shall demand it as their constitutional right."

And on the question, shall the said bill be so amended? It was decided in the negative.

Mr. Montgomery then moved to amend the said bill, by adding thereto, the following proviso, to wit: "Provided, nothing in this act shall be so construed, as to impair any of the express provisions of the constitution of this state, or of the United States; nor the articles of compact between the General Government in the year 1787, and the states and territories north-west of the river Ohio."



And on the question, shall this amendment be adopted? It was decided in the negative.

Mr. Gregory then moved to amend the said bill, by adding thereto, the following as a ninth section, to wit: "That it shall be the duty of each and every justice of the peace within this state, before whom any suit, action or prosecution may be prosecuted on trial, on the request of either party interested in any such suit, action or prosecution, his, her or their agent or attorney, to enter on his, the said justice's docket, every motion made by such party interested, his, her or their agent or attorney, during the progress of such suit, action or prosecution; and also his, the said justice's decision thereon."

And on the question, shall this amendment be adopted to said bill? It was decided in the negative.

Mr. De Pauw then moved that the said bill be considered as engrossed, and read a third time now; which motion prevailed.

The said bill was then read a third time; and

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Ewing, Graham of Jackson, Grass, Oliver, Rariden and Smiley—8.

*And those who voted in the negative were,*

MESSRS. Colman, Givens, Graham of Clark, Gregory, Montgomery, Pennington, Stapp and Watts—8.

The Senate being equally divided, the President voted in the negative. So it was decided in the negative.

On motion by Mr. Graham of Jackson,

The committee of the whole Senate were discharged from the further consideration of the engrossed bill from the House of Representatives, for improving the navigation of the Muscatuck rivers.

And the said bill was amended by common consent, read a third time, and passed; and Mr. Farnham instructed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The Senate now according to order, resolved itself into committee of the whole, on the bill for changing the names of certain persons:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Chairman reported the said bill with amendments; which

were read and concurred in; and the bill as amended, ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution for the relief of the securities of Martin H. Tucker, late sheriff of Crawford county:

Mr. Chambers in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said joint resolution to the Senate with amendments; which were read and concurred in; and the said joint resolution as amended, ordered to be engrossed, and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, authorizing John W. Cox to erect a mill-dam across White River:

Mr. Oliver in the Chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read, and concurred in.

Mr. Graham of Jackson, then moved that the further consideration of the said bill be postponed indefinitely.

And on the question, shall the further consideration of this bill be postponed indefinitely? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Ewing, Givens, Graham of Jackson, and Pennington—5.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Smiley, Stapp and Watts—11.

So it was decided in the negative.

The amendments were then ordered to be engrossed, and with the bill read a third time to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, JANUARY 7, 1826.

The Senate assembled.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they did on yesterday, lay before the Governor for his approval and signature, the enrolled bill entitled—

An act for the benefit of William Reed.

Mr. Grass from the committee on public roads and highways, to whom had been referred the engrossed bill, to amend the act entitled, "an act to authorize the location of certain state roads, approved, January 31, 1824," now reported the same without amendment.

And the said bill was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Gregory from the committee on the affairs of Indianapolis, now offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the committee on Indianapolis affairs, be instructed to draft, and report a bill to the Senate, requiring the agent of state at Indianapolis, to let to the lowest bidder, this ensuing season, the building of a house for the Governor of the state, not exceeding in value, \$3,000.

And the said resolution was read, and adopted.

Mr. Colman, from the select committee to whom had been referred the memorial of William C. Linton and others, of Terre-Haute, relative to the location of the National Road, so as to pass through that place, now reported a joint memorial on that subject; which was twice read, and ordered to be committed for Monday next.

Mr. Oliver offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That his Excellency, the Governor, be requested to lay before the Senate, a detailed account of the quantity and description of public arms and military equipments, received by this state from the United States annually from the year 1816, up to the present time inclusive.

And the said resolution was read, and adopted.

Mr. Oliver also offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the military committee be instructed to enquire into the expediency of reporting a bill making further provision for prompt and full returns of the number of the effective militia of this state, with a view to secure to the state hereafter, its due proportion of public arms and military equipments.

And the said resolution being read, was adopted.

On motion by Mr. Graham of Jackson,

The report made on the instant, relative to certain newspaper publications, against John Ewing, Esquire, a member of the Senate, was now taken up, the amendments made in committee of the whole, withdrawn by common consent, and the said report ordered to be spread on the journals, as follows, to wit:



The committee charged with the investigation of the charges made against John Ewing, Esquire, a member of the Senate, which are contained in a letter from one of the editors of the Public Leger, and published in that paper on the 24th ultimo, have performed that duty, and beg leave respectfully to report: That they have not been enabled to obtain any evidence of the truth of the charges contained in the letter referred to; and that it is the opinion of this committee, that no act of Mr. Ewing, as a member of this body, will justify the charge of his being destitute of political integrity, or that his regard for the constitution, his official oath, or the good of the public, were sacrificed to the desire of revenge. And

On motion by Mr. Graham of Jackson,

*Resolved*, That this House view the newspaper publications which gave rise to the foregoing report, as a subject which public opinion alone must decide; and the Senate will therefore take no further notice of the same.

Mr. Chambers asked, and obtained leave to introduce a bill concerning salt springs in Orange county; which was read, and ordered for second reading on Monday next.

Mr. Chambers offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the Senate adjourn sine die, on Saturday the 14th of January inst.; and that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested.

And the said resolution being read, was rejected.

The engrossed bill authorizing the leasing of Royce's Lick reserve; the engrossed joint resolution for the benefit of the securities of Martin H. Tucker, deceased; the engrossed bill, to amend the act entitled, "an act prescribing the mode of changing the venue—approved, January 28, 1824, and the engrossed bill from the House of Representatives, authorizing John W. Cox to erect a mill-dam across White River, as amended, were severally read a third time, and passed; and Mr. Farnham instructed to inform the House of Representatives thereof, and request their concurrence in the two first mentioned bills and joint resolution; and their concurrence in the amendment made by the Senate, to the last mentioned bill.

The engrossed bill to change the names of certain persons, was read a third time; and

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, Ewing, Givens, Graham

of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley, Stapp and Watts—15.

*And those who voted in the negative were,*

MESSRS. De Pauw and Rariden—2.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of the said bill, and request their concurrence therein.

The engrossed bill amendatory to the acts relative to county seminaries, and affording additional powers to the several boards of county justices, was read a third time; and

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Ewing, Graham of Clark, Gregory, Oliver, Rariden and Watts—6.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Montgomery, Pennington, Smiley and Stapp—11.

So it was decided in the negative.

The engrossed bill establishing certain state roads therein named, was read a third time; and

On motion by Mr. Oliver,

Was re-committed to a select committee to amend, and report thereon; and Messrs. Oliver, Grass and Graham of Jackson, were appointed that committee.

The Senate now according to order, resolved itself into committee of the whole, on the bill to amend an act entitled, "an act for opening and repairing public roads and highways—approved, January 31, 1824:"

Mr. Smiley in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported progress made in said bill, with a request for leave for the committee of the whole to sit again on said bill; which was refused; and the further consideration of the said bill was postponed indefinitely.

Mr. Sweetser, a member of the House of Representatives, now informed the Senate, that the House of Representatives had passed an engrossed bill to legalize the proceedings of the trustees of the Bartholomew county library, in which they request the concurrence of the Senate. And

On motion,

The Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Cotton asked, and obtained leave to introduce a bill to authorize the associate judges of Switzerland county, to hold a special session; which was read twice, and ordered to lie on the table.

Mr. Wick, Secretary of State, now informed the Senate, that he had it in charge from his Excellency, the Governor, to announce to the Senate, that he has on this day (January 7, 1826,) approved and signed an enrolled bill, which originated in the Senate, entitled "An act for the benefit of William Reed;" and that the same has been filed in the office of the Secretary of State.

The engrossed bill from the House of Representatives, to legalize the proceedings of the trustees of the Bartholomew county library, was read; the rule requiring bills to be read on three several days dispensed with—and the said bill read a second and third time now, and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill without amendment.

Mr. De Pauw from the select committee to whom was referred the bill amendatory to the act entitled, "an act to regulate the mode of doing county business," now reported the said bill with amendments; which were read, and concurred in; and the said bill was committed to a committee of the whole Senate, and made the order of the day for Monday next.

The Senate now according to order, resolved itself into committee of the whole, on the bill to provide for exploring a part of the river Wabash, and to locate a canal to connect the navigation thereof with the Miami of the Lakes:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same with amendments; which was by striking out the preamble to the bill, and the residue of the said bill from the enacting clause.

And on the question, will the Senate concur in said amendments? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Pennington and Smiley—9.

*And those who voted in the negative were,*

MESSRS. Colman, De Pauw, Ewing, Montgomery, Oliver, Rariden, Stapp and Watts—8.



So it was decided in the affirmative; and the said bill was ordered to lie on the table.

On motion by Mr. Stapp,

The committee of the whole Senate was discharged from the further consideration of the bill to provide for the improvement of that part of the river Wabash over which the state of Illinois has concurrent jurisdiction. And on motion to postpone indefinitely the further consideration of said bill; the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—14.

*And those who voted in the negative were,*

MESSRS. Colman, Ewing and Graham of Clark—3.

So it was decided in the affirmative.

The Senate now according to order, resolved itself into committee of the whole, on the bill appointing an agent of the three per cent. fund:

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read and concurred in; and the said bill was ordered to lie on the table.

The Senate adjourned to Monday morning 9 o'clock.

MONDAY, JANUARY 9, 1826.

The Senate assembled.

On motion by Mr. Gregory,

*Resolved,* That a committee of three persons be appointed to examine the journals of the court of impeachment on the trial of Nathaniel W. Marks, and correct any mistakes which may have happened therein.

And Messrs. Gregory, Graham of Jackson, and Cotton were appointed that committee.

Mr. Gregory laid before the Senate, the petition of John I. Lewis, collector of the revenue of Shelby county, praying certain relief therein set forth; which was read; and

Thereupon,

Mr. Gregory asked, and obtained leave to introduce a bill for the relief of John I. Lewis, collector of Shelby county; which was read, and ordered for second reading to-morrow.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed the engrossed bill from the Senate, entitled "An act to change the names of certain persons," and the joint resolution from the Senate, relative to the purchasers of public lands, without amendment; and they have passed an engrossed bill entitled, "An act for the apportionment of Senators and Representatives to the General Assembly;" in which they request the concurrence of the Senate.

And the said last mentioned bill was read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Watts asked, and obtained leave to introduce a bill authorizing the Trustees of the Cambridge Academy, to hold real estate, and for other purposes; which was read, and ordered for second reading to-morrow.

Mr. Graham, from the select committee to whom had been referred the bill to repeal the act for the relief of Claudius G. Brown, approved, January 26, 1824, and part of an act, entitled "an act supplemental to an act establishing a county seminary in the county of Knox, approved, February 12, 1825," now reported the same with sundry amendments; which were read, and concurred in, and the said amendments read twice, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Colman asked, and obtained leave to introduce a bill to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne; which was read, and ordered for second reading to-morrow.

Mr. Ewing offered for consideration and adoption, the following resolutions, to wit:

*Resolved*, That the welfare of our state, her revenue, her expanding interests and population, seem to demand an increased ratio for the apportionment of Representatives:

*Resolved*, That all who are bound by the laws, should as citizens of our state, have an equal share in their formation; and as an increased ratio for Senators, must necessarily place within the limits of adjoining districts, citizens who have had no voice in the choice of the incumbents; which change, although provided for by the application of a constitutional principle, embraced in the 14th section of article 11th, may yet be a supposed objection to the increase:

*Resolved*, That the Senators whose districts may be equitably increased by extending the Senatorial ratio, to twenty-five hundred polls, shall, and hereby do request of his Excellency, the Governor, to authorize an election in the several Senatorial districts to be changed and increased by said ratio as aforesaid, on the first Monday of August next; to serve during the unexpired term of the incumbents, according to the scale of rotation established by the constitution, after the present session.

Which were read, and ordered to lie on the table.

The bill authorizing the associate judges of the Switzerland circuit court, to hold a special session, was read a second time, and ordered to be engrossed for third reading this day.

Mr. Stapp from the joint committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills entitled acts, to wit:

An act authorizing John W. Cox, to erect a mill-dam across the West Fork of White River.

An act to improve the navigation of the Muscatituck rivers.

And an act legalizing the proceedings of the trustees of the Bartholomew county library—And find the same truly enrolled.

On motion by Mr. Graham of Jackson,

*Resolved*, That the Senate do now form themselves into a court of impeachment, for the trial of Isaiah Cooper, a justice of the peace of Owen county, on charges exhibited by the House of Representatives against said Cooper:

*Resolved*, That the House of Representatives be informed thereof, and the attendance of that House by their managers requested, to prosecute on behalf of the state.

And Mr. Farnham was instructed to notify the House of Representatives of the adoption of the foregoing resolution.

Whereupon,

The Senate now accordingly formed themselves into a court of impeachment for the trial of Isaiah Cooper, a justice of the peace, in and for the county of Owen in the state of Indiana, on articles of impeachment preferred against him, by the House of Representatives. And the oath, faithfully and impartially to discharge their duty as such court of impeachment, according to law and evidence, was administered to them by Bethuel F. Morris, esquire, president judge of the fifth judicial circuit.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives had adopted the following resolution, to wit:

*Resolved*, That the Senate be invited to occupy the Hall of the House of Representatives, when sitting as a court of impeachment on the trial of Isaiah Cooper, a justice of the peace of Owen county.



The court of impeachment for the trial of Isaiah Cooper, a justice of the peace for Owen county, being now proclaimed open by the Sergeant-at-arms, proceeded to the Representative Hall, where the court being again proclaimed open for the trial of Isaiah Cooper, a justice of the peace for the county of Owen, in the state of Indiana: The said Isaiah Cooper was called, and appeared, and being arraigned upon the following articles of impeachment, (a copy of which had been previously served on him by the Sergeant-at-arms;) and the said articles and specifications being read to him as follows, to wit:

Articles of impeachment, exhibited by the House of Representatives, in the name of themselves and the people of the state of Indiana, against Isaiah Cooper, a justice of the peace in and for the township of Washington, in the county of Owen and state of Indiana.

ARTICLE 1. That the said Isaiah Cooper, then and there being a justice of the peace in and for Washington township, in the county of Owen and state aforesaid, being duly elected, commissioned and qualified, as such justice of the peace, for the township, county and state aforesaid, the said Isaiah Cooper, residing therein, is and has been guilty of mal-administration in said office of justice of the peace.

*Specification 1.* That the said Isaiah Cooper, heretofore, to wit: on the twentieth day of March, in the year one thousand eight hundred and twenty-five, at Washington township in the county of Owen and state of Indiana, while acting as such justice, of and under color of his said office, did, corruptly and in violation of his duty, as such justice, persuade one John W. List, against his the said List's will, to commence a suit before him the said Isaiah Cooper, as such justice, against one Samuel Jackson, and promised said John W. List, that if he the said List would commence said suit against said Samuel Jackson, he, said Isaiah Cooper, as such justice of the peace, would give judgment for said List against said Jackson, for the purpose of making costs for himself, the said Cooper; in consequence whereof, and of such persuasion and promise as aforesaid, the said List did afterwards, to wit: on the day and year last aforesaid, commence a suit before said Isaiah Cooper, as such justice, against said Samuel Jackson; and afterwards, to wit: on the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and twenty-five, in the township and county aforesaid, in pursuance of the persuasion and promise aforesaid, render a judgment in favour of said List against said Jackson.

*Specification 2.* That the said Isaiah Cooper, on the twentieth day of November, in the year of our Lord one thousand eight hundred and twenty-five, at Washington township in Owen county and state of Indiana, while acting as such justice by virtue and under colour of his said office, did wilfully and corruptly and knowingly, permit and suffer one Moses P. Bradley to alter the official papers and docket of said Isaiah Cooper, as such justice of the peace, in this, to wit: so as to make one Asa Brown, who was security on the docket, for a judgment before, and by such justice of the peace before that time rendered against one Jesse Parker, liable to pay the amount of said judgment, interest thereon and costs, which said judgment said Parker had before that time paid.

*Specification 3.* That the said Isaiah Cooper, heretofore, to wit: on the twentieth day of June, in the year one thousand eight hundred and twenty-five, at Washington township in said county of Owen, while acting as such justice of the peace, did corruptly purchase, by Enoch Cooper, his infant son, a large quantity of leather, seized and sold by one Moses P. Bradley, a constable in and for said township, in and for said county, by virtue of an execution by said Isaiah Cooper, while acting as such justice, issued on a judgment by him rendered against one John Hart, contrary to the law in such case made and provided.

*Specification 4.* That the said Isaiah Cooper, on the tenth day of April, in the year of our Lord one thousand eight hundred and twenty-five, at Washington township in said county of Owen, rendered a judgment in favour of one Smith Elkins, in a certain action then and there tried before him, as and while acting as such justice of the peace in said township and county, wherein Joshua O. Howe was plaintiff, and said Elkins was defendant; and afterwards, to wit: on the tenth day of July in the year aforesaid, did corruptly, as such justice of the peace, without the knowledge and consent of said Elkins, alter said judgment, and enter the same in favour of said Joshua O. Howe.

*Specification 5.* That whereas one Moses P. Bradley, constable of said township, was arrested on a warrant issued by one David Johnson, a justice of the peace in and for said Owen county, and state aforesaid, on a charge of perjury, for making a false return on an execution issued by said Isaiah Cooper, as such justice of the peace, on a judgment before that time rendered by said Isaiah Cooper, in favour of Alexander Owens and John Owens, plaintiffs, against Philip Hedges, defendant, on which said execution said Bradley had returned nothing made, whereas in truth and in fact, it was alleged, that said Bradley had made a large sum of money, to wit: the sum of fourteen dollars; said Isaiah Cooper, while acting as such justice of the peace, in the township, county and state aforesaid, corruptly and in violation of his duty, on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-five, permitted the said Moses P. Bradley to take and carry away from his said Cooper's office, the papers of him said Cooper, as such justice of the peace, for the purpose of altering the said endorsement on said execution before that time returned by said Bradley, as such constable, to the office of said Cooper, as such justice, so as to defeat said charge of perjury against said Bradley as aforesaid.

*Specification 6.* That said Isaiah Cooper, heretofore, to wit: on the first day of August, in the year of our Lord one thousand eight hundred and twenty-four, and on divers other times between that day and the time of preferring this impeachment, while acting as such justice of the peace, at the township, county and state aforesaid, corruptly and in violation of his duty, permitted one Moses P. Bradley to issue at his pleasure, and sign said Cooper's name, as a justice of the peace, to all and every kind of process, which a justice of the peace can by law issue, to the great harassing of the good citizens of said county.

ARTICLE 2. That the said Isaiah Cooper, then and there being a justice of the peace in and for said township, county and state aforesaid, in manner and form aforesaid, is and has been guilty of wilful neglect of duty in his said office of justice of the peace.

*Specification 1.* That said Isaiah Cooper was not nor would not take his seat as a member of the board of justices of Owen county since the first day of October in the year one thousand eight hundred and twenty-four, until the present time, during all which time said Isaiah Cooper has exercised his said office of justice of the peace in said township, county and state; and during all which time said Isaiah Cooper had not any excuse for not taking his seat as aforesaid, but was and remained drunk during all the time of each and every session of the board of justices of said county, so that the said Isaiah Cooper is and has been guilty of manifest and wilful negligence in discharge of official duties, as justice of the peace as aforesaid, to the injury of the good citizens of the said county, contrary to the statute in such case made and provided, and against the peace and dignity of the state of Indiana.

ARTICLE 3. That said Isaiah Cooper, justice of the peace as aforesaid, has been and is guilty of barratry, to wit: at the county of Owen and state aforesaid.

*Specification 1.* That said Isaiah Cooper, on the                      day of March in the year of our Lord one thousand eight hundred and twenty-five, at the county of Owen in the state aforesaid, did frequently excite and stir up quarrels between the citizens of this state at law, so that the said Isaiah Cooper has been

and is a common barrator, contrary to the statute in such case provided, and against the peace and dignity of the state of Indiana.

R. M. EVANS, Speaker H. R.

And it being demanded of the said Isaiah Cooper whether he is guilty or not guilty of the articles and specifications aforesaid; the said Isaiah Cooper, by his counsel, moved to quash the first article, as containing no offence within the meaning of the constitution and statutes of this state.

And on the question, shall the said first article be quashed or stricken out from the articles of impeachment aforesaid? It was decided in the negative; two members only, rising in favour of striking out.

The said defendant, by his counsel aforesaid, then moved the court to quash or strike out from the articles and specifications aforesaid, the first specification under the first article, as containing no charge of a criminal nature, under the laws of this state.

And on the question, shall the said first specification be stricken out? It was decided in the negative; three members only, rising in favour of striking out.

The said Isaiah Cooper, by his counsel aforesaid, then moved to quash or strike out from the articles and specifications aforesaid, the second specification under the first article, as not charging a crime with such sufficient certainty, as to bring the same within the purview of any of the criminal statutes of this state.

And on the question, shall the said specification be stricken out? It was unanimously decided in the negative.

At this stage of the trial a question arose, whether the defendant should be permitted to object to the specifications separately; or whether he should not be confined to general objections to the whole of the articles and specifications aforesaid.

And on the question, shall the defendant be permitted to object to said articles and specifications separately? It was decided in the affirmative.

The said Isaiah Cooper, by his counsel, then moved to quash or strike out from said first article, the fifth and sixth specifications in the said first article, as being uncertain, and containing no sufficient charge to which the said defendant ought to be compelled to answer.

And on the question, shall the said fifth and sixth specifications be stricken out from the said first article? It was decided in the negative.

The said Isaiah Cooper, by his counsel, then moved to strike out or quash the first specification in the second article of the articles of impeachment aforesaid; which motion was overruled.



And the court of impeachment adjourned to 2 o'clock P. M., to meet in the Representative Hall.

*2 o'clock, P. M.*

The Senate again convened in the Representative Hall, as a court of impeachment for the trial of Isaiah Cooper, a justice of the peace for Owen county in the state of Indiana, pursuant to adjournment.

Whereupon,

Then comes as well the managers on the part of the House of Representatives, as the said Isaiah Cooper, in his own proper person, and by his counsel aforesaid; and the said Isaiah Cooper says he is not guilty of the misdemeanors aforesaid, as charged upon him in the articles of impeachment and specifications aforesaid.

The witnesses being then called, and sworn in behalf of the prosecution, a question arose during the progress of the trial, whether the judgment on the docket of the justice, should be admitted as evidence to prove a judgment of a different date, from that set out in the articles of impeachment aforesaid.

And on the question, shall the judgment on the docket of the said justice of the peace, be rejected as evidence to prove the first specification in the articles of impeachment aforesaid?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp & Watts—16.  
And Mr. Cotton voted in the negative.

The said managers then moved the court to admit parol testimony, to prove the existence of, and the corruption in rendering the judgment in the said specification mentioned; which motion was sustained.

The said managers on the part of the House of Representatives then moved, that the court do now proceed to re-consider their vote, rejecting the docket of the justice of the peace aforesaid, as evidence in the first specification of the articles of impeachment aforesaid.

And on the question, will the Court re-consider their said vote?

*Those who voted in the affirmative were,*

MESSRS. Cotton, Ewing, Graham of Jackson and Pennington—4.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of

Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—13.

So it was decided in the negative.

The said managers on the part of the House of Representatives then moved, that parol testimony be admitted to prove neglect of duty in the said Isaiah Cooper, in wilfully neglecting to attend the several boards of county justices of Owen county, at the several sessions of said boards of justices; which evidence was objected to by the counsel in behalf of the accused, until the record of the meetings or sessions, of the said boards of county justices, should be first shewn, to prove that such boards did convene.

And on the question, shall parol evidence be admitted to prove wilful negligence in the said defendant, in failing to attend as a member of the courts aforesaid?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Givens, Graham of Jackson, Grass, Pennington, Smiley, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Graham of Clark, Gregory, Montgomery and Oliver—6.

So it was decided in the affirmative.

And the court of impeachment adjourned to 9 o'clock to-morrow morning.

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TUESDAY, JANUARY 10, 1826.

The Senate assembled as a court of impeachment, for the trial of Isaiah Cooper, a justice of the peace for Owen county in the state of Indiana, on the articles of impeachment aforesaid, pursuant to adjournment of yesterday, present as yesterday.

The managers on the part of the House of Representatives now again moved the court, to re-consider their vote of yesterday, rejecting the judgment rendered on the docket of the said justice of the peace, between John W. List and Samuel Jackson, as evidence in support of the first specification under the first article of the articles of impeachment aforesaid.

And on the question, will the Court re-consider their said vote?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Graham of Jackson, Grass, Oliver, Pennington and Rariden—8.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Givens, Graham of Clark, Gregory, Montgomery, Smiley, Stapp and Watts—9.

So it was decided in the negative.

The managers on the part of the House of Representatives, now offered parol testimony, of the defendant's having corruptly permitted certain papers to be altered as in the second specification, first article set forth.

The said defendant having been served with written notice to produce his docket, and all papers in his possession relative to his office as justice of the peace; and having failed to do so; which testimony was objected to by defendant's counsel, on the ground that the notice to produce papers was too general, vague and uncertain, and ought to have been confined to the specific papers charged to have been altered.

And on the question, shall the managers on the part of the House of Representatives be permitted to give parol testimony, in proof of the alteration of said papers, without first producing said papers here in court?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Graham of Jackson, Gregory, Oliver, Pennington and Smiley—8.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Givens, Graham of Clark, Grass, Montgomery, Rariden, Stapp and Watts—9.

So it was decided in the negative.

The question was then put, shall the justice produce his docket under the aforesaid notice served on him as aforesaid? It was decided in the affirmative, by a unanimous vote of the court.

Sundry other objections were raised by the counsel in behalf of the defendant, as to the admissibility of parol testimony, to prove alterations in the justice's papers, as stated in the second specification and first article of the articles of impeachment aforesaid; but not being reduced to any definite shape or form, no question was taken thereon; and the managers having notified the court, that the evidence on the part of the prosecution was closed, the court proceeded to hear the testimony on the part of the defendant; and one witness only, being sworn and examined in behalf of the defendant, and his examination clos-



ed, the court adjourned to 2 o'clock P. M., to meet in the Senate Chamber.

*2 o'clock, P. M.*

The Senate again assembled in the Senate Chamber, as a court of impeachment for the trial of Isaiah Cooper, a justice of the peace for Owen county in the state of Indiana, pursuant to adjournment of this forenoon.

And thereupon, came as well the said managers on the part of the House of Representatives, as the said Isaiah Cooper, the justice aforesaid in his own proper person, and by his counsel aforesaid.

And the first specification in the first article of the articles of impeachment aforesaid, being read, and deliberation thereon had; on the question, is Isaiah Cooper, justice of the peace for Owen county, guilty or not guilty as charged upon him in the said first specification?

Mr. Chambers voted in the affirmative. And

Messrs. Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—16.

Voted in the negative; so it was decided in the negative.

The second specification under the first article in the said articles of impeachment, being then read; and

On the question, is Isaiah Cooper, justice of the peace for Owen county, guilty as charged upon him in the said second specification?

Mr. Chambers voted in the affirmative. And,

Messrs. Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—16.

Voted in the negative; so it was decided in the negative.

The third specification in the first article, in the articles of impeachment aforesaid, being read;

On the question, is Isaiah Cooper, justice of the peace aforesaid, guilty as charged upon him in the said third specification? It was decided in the negative, by a unanimous vote of the court.

The fourth specification under the first article of the articles of impeachment aforesaid, being read;

On the question, is Isaiah Cooper, justice of the peace as aforesaid, guilty as charged upon him in the said fourth specification? It was decided in the negative, by a unanimous vote of the court.

And the fifth specification under the first article of the articles of impeachment aforesaid, being read;

On the question, is Isaiah Cooper, justice of the peace as

aforesaid, guilty as charged upon him in the said fifth specification? It was decided in the negative, by a unanimous vote of the court.

The sixth specification under the first article of the articles of impeachment aforesaid, being read;

On the question, is Isaiah Cooper, justice of the peace as aforesaid, guilty as charged upon him in the said sixth specification? It was decided in the negative, by a unanimous vote of the court.

The first specification under the second article of the articles of impeachment aforesaid, being read;

On the question, is the said Isaiah Cooper, guilty as charged upon him in the said specification?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley and Stapp—13.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, Rariden and Watts—4.  
So it was decided in the affirmative.

The first specification under the third article of the articles of impeachment aforesaid, being read;

On the question, is Isaiah Cooper, a justice of the peace as aforesaid, guilty as charged upon him in the said specification? It was decided in the negative, by a unanimous vote of the court.

After the several votes on the specifications and articles aforesaid were taken, the managers on the part of the House of Representatives moved the court for judgment on the decision of the court, upon the second article and first specification of said article; which motion the respondent, by his counsel opposed, and demanded to be heard in opposition to said motion, and to give to the court, reasons why judgment should not be rendered against respondent.

Whereupon,

On a difference of opinion appearing among the members of the court, the President of the court decided that it was the right of the respondent to be heard in opposition to the motion of the managers, and to shew reasons, if any he can shew, why judgment should not be pronounced against him; upon which, Mr. Graham of Jackson, appealed from the decision of the President.

When, the question was put, has the respondent a right to be heard in opposition to the motion of the managers, or to give reasons in arrest of the judgment of the court?

*Those who voted in the affirmative were,*

MESSRS. Ewing, Graham of Clark, Grass, Oliver and Stapp—5.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Gregory, Montgomery, Pennington, Rariden, Smiley and Watts—12.

So it was decided in the negative.

After which, the respondent, by his counsel, moved the court as a matter of grace and favour, for the privilege of being heard in opposition to said motion of the managers, or in arrest of judgment.

When the question was put, will the court grant to the respondent, the privilege of being further heard in this behalf.

*Those who voted in the affirmative were,*

MESSRS. Chambers, Ewing, Givens, Graham of Clark, Grass, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—11.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Graham of Jackson, Gregory and Pennington—6.

So it was decided in the affirmative; and privilege of being further heard was granted to the respondent. After which hearing, Mr. Pennington offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That Isaiah Cooper, a justice of the peace in Washington township, Owen county, state of Indiana, be removed from the office of justice of the peace aforesaid.

And the said resolution being read,

Mr. Rariden moved so to amend the said resolution, as to read, "*Resolved*, That Isaiah Cooper, a justice of the peace in Washington township, Owen county, state of Indiana, be suspended from the office of justice of the peace for six months."

And on the question, shall the said resolution be so amended?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Ewing, Oliver, Rariden and Stapp—5.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Pennington, Smiley and Watts—12.

So it was decided in the negative, and the said amendment rejected.



And on the question, shall the original resolution as offered by Mr. Pennington be adopted?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Pennington and Smiley—11.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, Oliver, Rariden, Stapp and Watts—6.

So it was decided in the affirmative.

It is therefore considered by the Senate, in court of impeachment now here sitting for the trial of Isaiah Cooper, a justice of the peace, in and for the county of Owen in the state of Indiana, that the said Isaiah Cooper, is guilty of the misdemeanor as charged upon him in the first specification under the second article of the articles and specifications, in the said articles of impeachment set forth: And it is further considered and adjudged, that the said Isaiah Cooper, justice of the peace as aforesaid, be, and he is hereby removed from his said office as justice of the peace for the said county of Owen, from this date. All of which is considered and adjudged accordingly. And

On motion,

The witnesses summoned and attending in behalf of the state, were now called into court, and their claims and attendance as such witnesses, ordered to be set down as follows, to wit:

Samuel Jackson, 2 days attendance, residence, 66 miles distant.

Isaac Heaton, 2 days attendance, residence 54 miles distant.

Jesse Evans, 2 days attendance, residence, 46 miles distant.

George Mayfield, 2 days attendance, residence, 54 miles distant.

Philip Hedges, 2 days attendance, residence, 72 miles distant.

David Johnson, 2 days attendance, residence, 54 miles distant.

Thomas F. G. Adams, 2 days attendance, residence, 54 miles distant.

John W. List, 2 days attendance, residence, 54 miles distant.

John Craddock, 2 days attendance, residence, 50 miles distant.

Thomas Harvey, 2 days attendance, residence, 61 miles distant.

Samuel How, 2 days attendance, residence, 51 miles distant.

John Johnson, 2 days attendance, residence, 54 miles distant.

Asa Brown, 2 days attendance, residence, 50 miles distant.

Montgomery Allison, 2 days attendance, residence, 54 miles distant.

And the following persons summoned as witnesses in behalf of the accused, appeared and claimed as follows; none of whom were sworn except the first mentioned.

John R. Freeland, 2 days attendance, residence, 54 miles distant.

Daniel Harris, 2 days attendance, residence, 55 miles distant.

Thomas Allen, 2 days attendance, residence, 54 miles distant.

Moses P. Bradley, 2 days attendance, residence, 54 miles distant.

James Ward, 2 days attendance, residence, 54 miles distant.

Finley B. Johnson, 2 days attendance, residence, 54 miles distant.

James Hensley, 2 days attendance, residence, 54 miles distant.

George Buchanan, 2 days attendance, residence, 54 miles distant.

James Galletly, 2 days attendance, residence, 54 miles distant.

James Butler, 2 days attendance, residence, 56 miles distant.

John Dunn, 2 days attendance, residence, 54 miles distant.

Joseph Witham, 2 days attendance, residence, 55 miles distant.

Andrew Evans, 2 days attendance, residence, 46 miles distant.

Monsieur D. Smith, 2 days attendance, residence, 54 miles distant.

Philip Hart, 2 days attendance, residence, 54 miles distant.

Reuben Fullen, 2 days attendance, residence, 54 miles distant.

Thomas M'Naught, 2 days attendance, residence, 55 miles distant.

And the court of impeachment adjourned to nine o'clock to-morrow morning.

JOHN H. THOMPSON,

*President of the Senate.*

The Senate then assembled in its legislative capacity; when the engrossed bill to authorize the associate judges of the Switzerland circuit court to hold a special session, was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

And the Senate adjourned to 9 o'clock to-morrow morning.

WEDNESDAY, JANUARY 11, 1826.

The Senate assembled, and again formed themselves into a court of impeachment for the trial of Isaiah Cooper, a justice of the peace in and for the county of Owen in the state of Indiana. And the record or minutes of the said trial and proceedings having been read and signed by the President of the Senate, the court for the trial of said impeachment, now adjourned sine die.

The Senate now formed themselves into a court of impeachment for the trial of Adlai Campbell, a justice of the peace in and for the county of Orange in the state of Indiana, on articles of impeachment preferred against him by the House of Representatives.

And the oath, faithfully and impartially to discharge their duty as such court of impeachment, and to decide thereon according to law and evidence, was administered to the members and President, by Bethuel F. Morris, esquire, president judge of the fifth judicial circuit, in the state of Indiana.

Whereupon,

The said court having been proclaimed open by the Sergeant-at-arms, Mr. Howk, one of the managers on the part of the House of Representatives, on the articles of impeachment preferred by that House, against Adlai Campbell, a justice of the peace in and for the county of Orange in the state of Indiana, now informed the court, they will no farther prosecute the said articles of impeachment against the said Adlai Campbell, justice of the peace as aforesaid. It is therefore considered by the court, that Adlai Campbell, justice of the peace as aforesaid, as to the articles of impeachment aforesaid, do go thereof hence without day, and make no further answer thereto. And

Thereupon,

The following persons summoned as witnesses in behalf of the state, on the articles of impeachment preferred against Adlai Campbell aforesaid, now claimed their attendance as such witnesses as follows, to wit:

William Hoggatt, clerk of Orange circuit court, 2 days attendance, residence Paoli, 100 miles distant.

Samuel Cobb, 2 days attendance, residence, 107 miles distant.

Charles Sage, 2 days attendance, residence, 108 miles distant.

Henry Dougherty, 2 days attendance, residence, 105 miles distant.

Abraham Osburn, 2 days attendance, residence, 104 1-2 miles distant.



John Dougherty, 2 days attendance, residence, 104 miles distant.

John Bush, 2 days attendance, residence, 106 miles distant.

Michael Chase, 2 days attendance, residence, 105 miles distant.

And the following persons, summoned as witnesses, in behalf of the defendant, appeared and claimed attendance as such witnesses, as follows, to wit:

John T. Orten, 2 days attendance, residence, 108 miles distant.

Adlai Campbell, junior, 2 days attendance, residence, 106 miles distant.

And the court of impeachment adjourned to 2 o'clock. P. M.

JOHN H. THOMPSON,

President of the Senate.

The Senate now assembled in their legislative capacity.

Mr. Keen, a member of the House of Representatives, now informed the Senate, that the House of Representatives have passed the engrossed bill from the Senate, to authorize the associate judges of the Switzerland circuit court to hold a special session, without amendment.

Mr. Graham of Jackson, laid before the Senate, the petition of Paxton and Baker, praying certain arrearages due them for building the court-house at Indianapolis; which was read; and Thereupon,

Mr. Graham of Jackson, asked and obtained leave to introduce a bill to provide for the payment of the balance due to the contractors for building the court-house at Indianapolis; which was twice read, and ordered to be committed for to-morrow.

Mr. Smiley asked and obtained leave to introduce a bill amendatory to an act entitled, "an act to locate and establish a seminary in and for the county of Union—approved, February 7, 1825;" which was twice read, and ordered to be considered as engrossed, and read a third time to-morrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills, to wit:

An act changing the names of certain persons. And

A joint resolution of the General Assembly relative to the purchasers of public lands—And find the same truly enrolled.

Mr. Oliver from the select committee to whom had been referred an engrossed bill entitled an act establishing certain state roads therein named, now reported the same without amendment, and the said bill was read a third time and passed; and

Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill without amendment.

Mr. Colman from the select committee, to whom the subject had been referred, now reported a bill to provide for draining ponds, and removing stagnant waters in the county of Vigo; which was twice read and committed for to-morrow.

Mr. Colman, asked and obtained leave to introduce a bill legalizing the proceedings of the commissioners of Clay county, and for other purposes; which was twice read and committed for to-morrow.

Mr. Oliver laid before the Senate, the remonstrance of Barnett M'Combs and others, against attaching any part of Franklin county, to the county of Union; which was read and laid on the table. And

On motion,

The engrossed bill from the House of Representatives, to amend an act entitled, An act relative to county boundaries, approved January 31, 1824; was taken up, committed to a committee of the whole Senate, and made the order of the day, for this day now; and

Thereupon,

The Senate according to order, now resolved itself into committee of the whole, on the said bill:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, without amendment; and the said bill was ordered for third reading to-morrow.

The bill concerning salt springs in Orange county, and the bill for the relief of John J. Lewis, collector of Shelby county, were severally read a second time, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The bill to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne, was read a second time, considered as engrossed, and ordered to be read a third time to-morrow.

The engrossed bill to authorize the trustees of the Cambridge Academy in the county of Dearborn, to hold real estate, and for other purposes, was read a third time and passed; and Mr. Ray enrolling secretary, was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate according to order, now resolved itself into committee of the whole, on the joint resolution relative to education:

Mr. Chambers in the chair;

When, after some time spent thereon, the committee rose.

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, without amendment, and the said joint resolution was ordered to lie on the table.

The Senate according to order, now resolved itself into committee of the whole, on the bill to amend the act regulating general elections:

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with two amendments; which were, first by striking out the first section from the enacting clause; and secondly, by striking out the second section; the only remaining section in said bill: both of which amendments were concurred in by the Senate; and

On motion,

The further consideration of said bill was postponed indefinitely.

The Senate according to order, now resolved itself into committee of the whole, on the bill for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county:

Mr. De Pauw in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, without amendment, the said bill was then ordered to be engrossed and read a third time to-morrow.

The Senate now according to order resolved itself into committee of the whole Senate, on the joint memorial on the subject of the location of the National Road from Wheeling to the Mississippi, so as to pass Terre-Haute in Vigo county:

Mr. Givens in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said memorial to the Senate with sundry amendments; which were read and concurred in.

Mr. Ewing then moved to amend the said bill, by adding thereto, after the words "Centreville, in Wayne county," the words "Greencastle in Putnam county," the object of which amendment was to have the said road so located, as to pass through Greencastle in Putnam county.

And on the question shall the said amendment be adopted?  
The ayes and noes being demanded by two members:

Mr. Ewing voted in the affirmative.



*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley, Stapp and Watts—15.

So it was decided in the negative, and the said amendment rejected.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives concur in the first and second amendments proposed by the Senate to the bill from the House of Representatives, entitled "an act to amend an act entitled, "an act prescribing the mode of changing the venue—approved, January 28, 1824;" but disagree to the third amendment proposed by the Senate to said bill. They concur in the amendment made by the Senate, to the bill from the House of Representatives entitled, An act authorizing John W. Cox, to erect a mill-dam across the West Fork of White River. They also concur in the amendment made by the Senate, to the bill from the House of Representatives entitled, An act to improve the navigation of the Muscatituck rivers. They have passed the bill from the Senate entitled, An act to change the names of certain persons without amendment. The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. The House of Representatives have passed engrossed bills of the following titles, to wit:

An act for the relief of the trustees of the school section No. 16, township No. 14, of range No. 13 east, in Fayette county.

And an act for the relief of purchasers of lots in the town of Indianapolis. In both of which last named bills, they ask the concurrence of the Senate.

The engrossed bill from the House of Representatives for the relief of the trustees of the school section No. 16, township No. 14, of range No. 13 east, in Fayette county, was read twice, and ordered to be read a third time to-morrow.

The engrossed bill from the House of Representatives for the relief of the purchasers of lots in the town of Indianapolis, was read twice, and committed for to-morrow.

The President of the Senate now signed the foregoing enrolled bills last reported from the House of Representatives, as having been signed by the Speaker of that House; and the said enrolled bills, were handed to the committee on enrolled

bills, to be laid before the Governor, for his approval and signature.

The Senate now again formed themselves into a court of impeachment on the charges against Adlai Campbell, a justice of the peace for the county of Orange, and the minutes and proceedings in the said case, being read and signed by the President of the Senate, the court of impeachment adjourned *sine die*.

The resolutions offered on Monday, relative to new Senatorial districts, and new elections in all such districts, as should be changed by an increased ratio; [see journal of Monday 9th inst.] was taken up, and read.

And on the question, shall the said resolutions be adopted?

Mr. Ewing voted in the affirmative.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Pennington, Rariden, Smiley, Stapp and Watts—16.

So it was decided in the negative.

Mr. Thornton principal clerk of the House of Representatives, now informed the Senate, that the House of Representatives, have passed an engrossed bill, entitled,

An act to vacate a part of the state road, leading from Indianapolis to Terre-Haute; and

A Joint Resolution relative to the collection of a debt due the state, from certain citizens of Harrison county; in both of which they request the concurrence of the Senate.

The Speaker of the House of Representatives having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President, and the said enrolled bills having been signed by the President of the Senate, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill from the House of Representatives, to vacate part of the state road leading from Indianapolis to Terre-Haute; and the engrossed joint resolution relative to a debt due the state, from certain citizens of Harrison county, were severally read a first time, and severally rejected.

Mr. Cotton, from the joint committee on enrolled bills, now reported—that they have compared the enrolled with the engrossed bill entitled an act to authorize the associate judges of the Switzerland circuit court to hold a special session, and find the same truly enrolled.

The Senate now according to order, resolved itself into com-

mittee of the whole, on the engrossed bill from the House of Representatives, for the apportionment of Senators and Representatives:

Mr. Pennington in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with an amendment, which was by striking out the said bill from the enacting clause, and inserting two new sections in lieu thereof: sundry amendments were then offered to the said amendment, to wit:

Mr. Pennington moved so to amend the said bill as to give Harrison county three Representatives.

Mr. Ewing moved so to amend it, as to give Daviess county, one Representative.

And Mr. Givens moved so to amend the said bill, as to give Posey county two Representatives; all of which motions were put in the order in which they stand, and rejected by the Senate.

And on the question, will the Senate concur in the amendment made to said bill, in committee of the whole? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden and Watts—11.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Graham of Jackson, Pennington, Smiley and Stapp—6.

So it was decided in the affirmative; and the said amendment concurred in.

Mr. Cotton then moved, that the further consideration of the said bill be postponed indefinitely.

And on the question, shall the further consideration of this bill be postponed indefinitely?

*Those who voted in the affirmative were,*

MESSRS. Cotton, Graham of Jackson and Pennington—3.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Ewing, Givens, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—14.

So it was decided in the negative.



The bill was then ordered to be engrossed for third reading to-morrow.

The President laid before the Senate, the two following communications, one from the Secretary of state, relative to the library, the other from the Governor; both of which were read as follows, to wit:

EXECUTIVE DEPARTMENT, }  
SECRETARY'S OFFICE, Jan. 7th, 1826. }

The Hon. the President of the Senate,

SIR—The report of the undersigned, as librarian of the State Library, made at an early day of the present session, is erroneous in this, that there should be added to the catalogue of additions made to the institution by purchase, "the Federalist."

This communication is made as being the most eligible mode of correcting the error.

Respectfully,  
WM. W. WICK.

EXECUTIVE OFFICE, }  
Jan'y. 11, 1826. }

Hon. President of the Senate,

SIR—William W. Wick, Esqr., the Secretary of State, has been and is authorized, as my private secretary, to bear messages to the Senate for me, during the present session of the General Assembly of Indiana.

Most Respectfully,  
J. BROWN RAY.

And the Senate adjourned to 9 o'clock to-morrow morning.

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THURSDAY, JANUARY 12, 1826.

The Senate assembled.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they did on yesterday, lay before the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to change the names of certain persons.

An act to authorize the associate judges of the Switzerland circuit court to hold a special session.

A joint resolution of the General Assembly relative to purchasers of public lands.

An act authorizing John W. Cox to erect a mill-dam across the West Fork of White River.

An act to legalize the proceedings of the Bartholomew county library.

An act to authorize Jacob Caylor to dig a mill-race through a part of a school section in Wayne county.

An act to authorize the lessee of the ferry across White River near Indianapolis, to erect a dwelling house on said premises.

An act for the relief of the heirs of Benjamin Warner, deceased, and for other purposes.

An act appointing commissioners to re-locate the seat of justice of Madison county. And

An act to improve the navigation of the Muscatituck rivers.

Mr. Wick, Secretary of State, now informed the Senate, that the Governor did on yesterday, approve and sign an enrolled bill which originated in the Senate, entitled—

An act to authorize the associate judges of the Switzerland circuit court to hold a special session. And that the said act has been filed in the office of the Secretary of State.

On motion by Mr. Cotton,

*Resolved*, That the committee on the judiciary, be instructed to report a bill making the attorney who may bring a suit, liable for all the costs that may accrue in consequence of the suit being dismissed for the want of formality in the pleadings; and

On motion,

Mr. Cotton was added to the judiciary committee.

Mr. Ewing introduced a joint resolution relative to the National Road; which was read, and rejected.

Mr. De Pauw asked, and obtained leave to introduce a bill supplementary to an act, entitled an act to amend the act entitled, "an act to regulate and license taverns—approved, February 12, 1825;" which was read, and ordered for second reading to-morrow.

Mr. Cotton asked, and obtained leave to introduce a joint resolution of the General Assembly, explanatory of an act requiring the Secretary of State to procure a letter book for the use of the state; which was read, and ordered for second reading to-morrow.

The bill appointing an agent for the three per cent. fund, was taken up, the amendments made in committee of the whole concurred in, and the said bill ordered to be engrossed for third reading to-morrow.

Mr. Givens now moved, that the Senate do re-consider their vote rejecting the engrossed bill from the House of Representatives, to vacate part of a state road leading from Indianapolis to Terre-Haute.

And on the question, will the Senate re-consider their vote rejecting said bill? It was decided in the affirmative.

And the question again recurring, shall this bill be rejected? It was decided in the negative; and the said bill was ordered to lie on the table.

The engrossed bill from the House of Representatives, to amend "an act relative to county boundaries—approved, January 31, 1824," was read a third time. And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Givens, Graham of Clark, Grass, Gregory, Montgomery, Pennington, Smiley, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Oliver and Rariden—7.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill without amendment.

The engrossed bill to provide for the continuation of the survey of the state road from Terre-Haute to Fort-Wayne, and the act, amendatory of an act entitled, "an act to locate and establish a seminary in and for the county of Union—approved, February 7, 1825," were severally read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed bills of the following titles, to wit:

An act to amend an act entitled, "an act to regulate the jurisdiction and duties of justices of the peace."

An act to establish a state road from Liberty in Union county, to Newcastle in Henry county.

An act making an appropriation for building fire-proof houses to contain the offices of the Secretary of State, and Clerk of the Supreme Court. And

An act to authorize the sale of a part of the public square in the town of Liberty in the county of Union.

In all of which several bills, the concurrence of the Senate is requested. And that they have passed the engrossed bill from the Senate entitled, An act providing for ascertaining the expense of supporting the poor annually in this state.

The engrossed bill to establish a state road from Liberty in Union county, to Newcastle in Henry county, from the House of Representatives, was read twice, and ordered for third reading to-morrow.



The engrossed bill to amend an act entitled, "an act regulating the jurisdiction and duties of justices of the peace; the engrossed bill to authorize the sale of a part of the public square in the town of Liberty in the county of Union, and the engrossed bill making an appropriation for building fire-proof houses to contain the offices of the secretary of state, and clerk of the supreme court, from the House of Representatives, were severally read twice, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill for the relief of the trustees of the school section No. 16, in township No. 14, of range No. 13 east, in Fayette county, was read a third time; and

On the question, shall this bill pass? the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley, Stapp and Watts—12.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Ewing, Graham of Clark, and Pennington—5.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill without amendment.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed bills of the following titles, to wit:

An act to improve the navigation of the East Fork of White-water River.

An act for the relief of revolutionary soldiers. And

An act to authorize the several townships in certain counties herein named, to elect township officers, and for other purposes. In all of which they ask the concurrence of the Senate.

The engrossed bill from the House of Representatives, apportioning Senators and Representatives to the General Assembly, was now taken up, read a third time; when,

Mr. Cotton moved, that the said bill be committed to a select committee, to amend the same so as to retrench the number of Senators and Representatives contemplated by said bill.

And after considerable discussion on the said bill, and before coming to any conclusion thereon, the Senate adjourned to two o'clock this afternoon.

2 o'clock, P. M.

The Senate assembled.

The engrossed bill to authorize the several townships in certain counties herein named, to elect township officers and for other purposes; the engrossed bill for the relief of revolutionary soldiers; and the engrossed bill to improve the navigation of the east fork of Whitewater river, from the House of Representatives, were severally read twice, severally committed to committees of the whole Senate, and severally made the order of the day for to-morrow.

The engrossed bill apportioning Senators and Representatives to the General Assembly, was again taken up, when the motion to commit the same to a select committee was withdrawn; and

On motion by Mr. Stapp,

The said bill was re-committed to a committee of the whole Senate, and made the order of the day for this day now; and

Thereupon,

The Senate according to order now resolved itself into committee of the whole, on the said bill:

Mr. Smiley in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments; which were read and concurred in, and the said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Thornton clerk of the House of Representatives now informed the Senate that the House of Representatives, have passed the engrossed bill from the Senate entitled An act authorizing the trustees of the Cambridge Academy in Dearborn county, to hold real estate, and for other purposes, with an amendment, in which the concurrence of the Senate is requested; and the said amendment was read and concurred in, and Mr. Ray, enrolling secretary of the Senate, was instructed to inform the House of Representatives thereof.

The engrossed bill for the relief of the securities of Nathaniel W. Marks, late sheriff and collector of Rush county, and the engrossed memorial of the General Assembly, relative to the location of the National road, were severally read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order resolved itself into committee of the whole on the engrossed bill to repeal an act entitled an act for the relief of Claudius G. Brown, approved Jan-

uary 26th, 1924; and part of an act supplemental to an act, establishing a county seminary, in the county of Knox, approved February 12th. 1825:

Mr. Gregory in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments; which were read and concurred in, and the said bill as amended was ordered to be engrossed, and read a third time to-morrow.

On motion by Mr. Stapp,

The committee of the whole Senate, was discharged from the further consideration of the bill legalizing the proceedings of the commissioners of Clay county, and for other purposes, and the said bill was read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

The Senate now according to order resolved itself into committee of the whole, on the bill to provide for draining ponds and removing stagnant waters in Vigo county:

Mr. Ewing in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment, and the said bill was ordered to be considered as engrossed and read a third time now, and the said bill was read a third time and passed; and Mr. Farnham instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

The Senate now according to order resolved itself into committee of the whole, on the bill concerning salt springs:

Mr. Montgomery in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments, which were read and concurred in, and the bill as amended, ordered to be engrossed and read a third time to-morrow.

Mr. De Pauw, from the committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bills entitled acts, to wit:

An act authorizing the trustees of the Cambridge Academy, in Dearborn county, to hold real estate, and for other purposes.

And an act providing for ascertaining the expense of sup-



porting the poor annually in this state, and have found the same truly enrolled.

The Senate now, according to order resolved itself into committee of the whole, on the bill providing for the payment of the balance due to the contractors for building the court-house at Indianapolis:

Mr. Grass in the chair;

When, after some time spent therein, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with amendments; which were read and concurred in, and the bill as amended ordered to be engrossed for third reading to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

#### FRIDAY, JANUARY 13, 1826.

The Senate assembled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the Speaker of the House of Representatives had signed two enrolled bills, and had instructed him to bring the said bills to the Senate for the signature of their President, and the same having been signed by the President, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Colman laid before the Senate the petition of J. M'Donald and others, citizens of Parke county, praying a law authorizing the re-location of the seat of justice of said county, also the remonstrance of I. J. Silliman and others, against any such proposed alteration, and the same were read and referred to a select committee, composed of Messrs. Colman, Ewing and Gregory, to report thereon.

Mr. De Pauw, from the select committee on the subject, now reported a bill to provide three asylums in the state, for the reception of the poor; which was twice read, and the further consideration of the said bill, was postponed until the second Monday in December next.

Mr. Given, from the select committee to whom had been committed so much of the Governor's message as relates to a reduction of the number of road commissioners, now reported a bill amendatory to an act, entitled An act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening and repairing said roads, approved

December 31, 1821; which was twice read and committed for to-morrow.

Mr. Gregory, asked and obtained leave to introduce a bill for the relief of the collectors of the public revenue; which was twice read and committed for to-morrow.

On motion by Mr. Ewing,

It was resolved that the apportionment bill in committee on yesterday, and engrossed for a third reading this day, be and is hereby referred to a select committee with instructions to report the same on equitable principles of allotment, allowing forty-five members to the House of Representatives, and twenty-one members to the Senate, under the present census; when,

Mr. Pennington moved so to amend the said resolution, as to read "forty-six" instead of "forty-five;" which amendment was adopted, and after considerable discussion on the said resolution, the motion to adopt the same was re-considered.

And the question again recurring, shall the said resolution be adopted? it was decided in the negative, and the said resolution rejected.

The bill to amend an act entitled An act to license and regulate taverns, was read a second time and committed for to-morrow.

The joint resolution of the General Assembly, explanatory of an act requiring the Secretary of State, to procure a letter book, for the use of the state, was read a second time, ordered to be considered as engrossed, and read a third time to-morrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to amend an act entitled, An act relative to county boundaries, approved January 21st, 1824; and

An act for the relief of the trustees of the school section No. 16, township No. 14, in range No. 13 east, in Fayette county, and find the same truly enrolled.

The engrossed bill from the House of Representatives for the apportionment of Senators and Representatives to the General Assembly, as amended in Senate, was read a third time; when,

Mr. Ewing moved to again re-commit the said bill to a committee of the whole Senate, and make it the order of the day for this day now.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Graham of Jackson, Oliver, Rariden, Stapp and Watts—8.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Pennington and Smiley—9.

So it was decided in the negative.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, De Pauw, Givens, Graham of Clark, Grass, Gregory, Montgomery, Pennington, Rariden, Smiley and Watts—11.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, Ewing, Graham of Jackson, Oliver and Stapp—6.

So it was decided in the affirmative, and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill with amendments, in which the concurrence of that House is requested.

The engrossed bill from the House of Representatives, to establish a state road from Liberty in Union county, to Newcastle, in Henry county, was read a third time and passed, without amendment, and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill concerning salt springs was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Graham of Clark, Grass, Gregory, Montgomery, Pennington, Smiley and Watts—9.

*And those who voted in the negative were,*

MESSRS. Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Oliver, Rariden and Stapp—8.

So it was decided in the affirmative, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill amendatory of an act entitled An act to regulate the mode of doing county business, approved January 31, 1824, was read a third time.



And on the question, shall this bill pass? It was decided in the negative.

The engrossed bill appointing an agent of the three per cent. fund; and the engrossed bill providing for the payment of the balance due the contractors for building the court-house at Indianapolis, were severally read a third time and passed, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill relative, to Claudius G. Brown, and the State University at Vincennes, as amended, was read a third time; and

On the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Pennington, Smiley and Stapp—13.

*And those who voted in the negative were,*

MESSRS. Ewing, Oliver, Rariden and Watts—4.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill with amendments, and request their concurrence therein.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of John J. Lewis, sheriff and collector of Shelby county:

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read, and concurred in; and the said bill as amended, was ordered to be engrossed, and read a third time to-morrow.

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill for the relief of the purchasers of lots in the town of Indianapolis:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, without amendment; the said bill was then ordered for third reading to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to authorize the several townships in certain counties herein named, to elect township officers, and for other purposes:

Mr. Graham of Clark in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, without amendment; and the said bill was ordered for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, making appropriations for building fire-proof houses to contain the offices of the secretary of state, and the clerk of the supreme court:

Mr. Oliver in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with amendments; which were read, and concurred in; and

On motion,

The further consideration of the said bill was postponed indefinitely.

The Senate according to order, now resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, for the relief of revolutionary soldiers:

Mr. Ewing in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with sundry amendments; which were read, and concurred in; and ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives disagree to the amendments proposed in Senate, to the engrossed bill for the apportionment of Senators and Representatives to the General Assembly.

Mr. Rariden then moved, that the Senate recede from their said amendments proposed to said bill.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Cotton, Ewing, Rariden, Smiley, Stapp and Watts  
--6.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Montgomery, Oliver and Pennington--11.

So it was decided in the negative; and

On motion,

*Ordered*, That the Senate insist on their said proposed amendments; and Mr. Farnham was instructed to inform the House of Representatives, that the Senate insist on said amendments.

The Senate now according to order, resolved itself into committee of the whole Senate, on the engrossed bill from the House of Representatives, to amend the act entitled, "an act regulating the jurisdiction and duties of justices of the peace:"

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with amendments; which were read, and concurred in; when

Mr. Pennington moved, that the said bill be referred to a select committee, to report thereon.

Mr. Cotton then moved, that the said select committee, so to be appointed, be instructed so to amend the said bill as to increase the jurisdiction of justices of the peace in civil actions, to seventy-five dollars; which instructions were refused; and the said bill was committed to a select committee, composed of Messrs. Pennington, Stapp and Cotton to amend, and report thereon.

The Senate now according to order, resolved itself into committee of the whole, on the bill to authorize the sale of a part of the public square in the town of Liberty in the county of Union:

Mr. De Pauw in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with amendments; which were read, and concurred in; and the amendments ordered to be engrossed, and read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole Senate, on the engrossed bill from the House of Representatives, to improve the navigation of the east fork of Whitewater river:



Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose;

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with sundry amendments; which were read, and concurred in; and the amendments ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Rariden asked, and obtained leave to introduce a bill concerning ferries; which was read, and ordered for second reading to-morrow.

On motion of Mr. Ewing,

The bill authorizing a survey of a canal route to connect the navigation of the river Wabash, with the Miami of the Lakes, was taken up, considered, and referred to a select committee, composed of Messrs. Ewing, Colman and Gregory, to report thereon.

Mr. De Pauw from the committee on enrolled bills, now reported—that that committee did on this day lay before the Governor, for his approval and signature, enrolled bills, entitled acts, to wit:

An act providing for ascertaining the expense of supporting the poor annually in this state. And

An act authorizing the trustees of Cambridge Academy in Dearborn county, to hold real estate, and for other purposes.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, JANUARY 14, 1826.

The Senate assembled.

On motion by Mr. Graham of Jackson,

*Ordered*, That Mr. Farnham inform the House of Representatives of the change in the title of the bill: which originated in that House, relative to Claudius G. Brown.

Mr. Ewing from the select committee on the subject, now reported a bill to provide for the survey of a canal route, to connect the river Wabash with the Miami of the Lakes, now reported the same with sundry amendments; which were read and concurred in, and the bill as amended ordered to be engrossed, and read a third time on Monday next.

Mr. Wick Secretary of State, now informed the Senate, that the Governor has directed him to announce to the Senate that he did on the 13th inst. approve and sign an enrolled bill which originated in the Senate, entitled—

An act to change the names of certain persons. And

A Joint Resolution of the General Assembly relative to purchasers of public lands; which also originated in the Senate.

The said bill and resolution have been filed in the office of the Secretary of State.

Mr. Pennington from the select committee, to whom had been referred the bill to amend an act entitled An act regulating the jurisdiction and duties of justices of the peace, now reported the same, with sundry amendments; which were read and concurred in, and the said bill as amended was ordered to be committed to a committee of the whole Senate and made the order of the day for Monday next.

The bill concerning ferries, was read a second time and committed for Monday next.

The engrossed joint resolution of the General Assembly, explanatory of an act requiring the Secretary of State, to procure a letter book for the use of the state; and the engrossed bill for the relief of the collectors of Shelby and Jefferson counties, were severally read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bills, and to request their concurrence therein.

The engrossed bill from the House of Representatives, for the relief of purchasers of lots in the town of Indianapolis; the engrossed bill from the House of Representatives, authorizing the several townships in certain counties herein named, to elect township officers, and for other purposes; and the engrossed bill from the House of Representatives, to authorize the sale of a part of the public square in the town of Liberty, in the county of Union, were severally read a third time, and passed, without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives for improving the navigation of the east fork of Whitewater river, was read a second time, and the further consideration thereof postponed to the second Monday in December next.

The engrossed bill from the House of Representatives, for the relief of revolutionary soldiers, as amended in Senate, was read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof and request their concurrence in said amendment.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate, that the House of Representatives have adopted the following resolution:

*Resolved*, That the House of Representatives insist upon their disagreement to the amendments proposed by the Senate.

to the bill from the House of Representatives, entitled An act for the apportionment of Senators and Representatives to the General Assembly.

And that a committee of free conference be appointed on the part of the House of Representatives to act with a similar committee, to be appointed on the part of the Senate, to take into consideration the disagreeing votes of the two Houses, relative to said bill; and the House of Representatives have on their part appointed Messrs. Pepper and Hawk, that committee.

The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

And the president of the Senate having signed the said enrolled bills last mentioned, the said bills were handed to the committee on enrolled bills to be laid before the Governor for his approval and signature. And

On motion by Mr. De Pauw,

It was resolved that a committee of free conference be appointed on the part of this House, to act with such committee as has been appointed on the part of the House of Representatives, to compromise the disagreement between the two Houses, as to the amendment made by the Senate, to the bill from the House of Representatives, apportioning the Senators and Representatives to the General Assembly, and that the House of Representatives be informed thereof, and Messrs. De Pauw and Montgomery, were appointed that committee on the part of the Senate; and Mr. Farnham instructed to inform the House of Representatives thereof.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate that the House of Representatives have passed bills of the following titles, to wit:

An act establishing a state road from Rockport to Boonville.

An act to provide for licensing travelling merchants.

An act to amend an act entitled An act to establish a state road from Aurora, in the county of Dearborn, to Napoleon, in the county of Ripley, and other state roads therein named, approved, January 6th, 1823.

An act to amend the act entitled An act to regulate the inspection of tobacco. And

An act for the benefit of Jane Martin.

They have adopted the memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland road, which originated in the Senate, with an amendment. In all of which several bills, and amendment to the said memorial, the concurrence of the Senate is requested.



And the admendment made in the House of Representatives to the memorial last above mentioned, was read and concurred in; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill for the benefit of Jane Martin, from the House of Representatives, was read a first time and rejected.

The engrossed bill from the House of Representatives, for licensing travelling merchants, and for other purposes, was twice read and committed for Monday, 16th inst.

The engrossed bill from the House of Representatives, to amend an act entitled, "an act to establish a state road from Aurora in the county of Dearborn, to Napoleon in the county of Ripley, and other state roads therein named—approved, January 26, 1823," was twice read, and committed for Monday next.

The engrossed bill from the House of Representatives, establishing a state road from Rockport to Boonville, was twice read, and committed to the same committee of the whole Senate to whom had been committed the bill last above mentioned.

The engrossed bill from the House of Representatives, to amend the act entitled, "an act to regulate the inspection of tobacco—approved, December 27, 1816," was read a first time, and rejected.

The Senate now according to order, resolved itself into committee of the whole, on the bill amendatory to an act entitled, "an act for laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads—approved, December 21, 1821:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment. And

On motion,

The said bill was referred to a select committee, composed of Messrs. Graham of Jackson, Gregory, Givens and Watts.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill, supplementary to the act entitled, "an act to license and regulate taverns, approved, February 12, 1825:

Mr. Rariden in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with an amendment; which was by striking out the said bill from the enacting clause.

And the said amendment was read, and concurred in.. And  
On motion,

The further consideration of the said bill was indefinitely postponed.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of the collectors of public revenue:

Mr. Chambers in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same with an amendment; which was by striking out the first section of said bill.

Whereupon,

The said amendment being considered, was concurred in; and the said bill was referred to a select committee, to report thereon; and Mr. Gregory was appointed that committee.

The engrossed bill vacating a part of the state road leading from Indianapolis to Terre-Haute, was taken up, considered, and again postponed indefinitely.

Mr. Colman moved a re-consideration of the vote postponing indefinitely, the bill for the better improvement of the state road from Rushville to Indianapolis; and the same having been re-considered; on the question again recurring, shall the further consideration of this bill be postponed indefinitely? it was decided in the negative.

The said bill was then read, and committed for Monday next.

Mr. Wick, secretary of state, now informed the Senate, that he was directed by the Governor, to announce to the Senate, that he did on the 13th instant, approve and sign the enrolled bills which originated in the Senate entitled—

An act providing for ascertaining the expense of supporting the poor annually in this state. And

An act authorizing the trustees of the Cambridge Academy in Dearborn county, to hold real estate, and for other purposes.

The bill to amend an act entitled, "an act declaring certain streams therein named, public highways—approved, January 26, 1824," was twice read, and ordered to be engrossed for third reading on Monday next.

And the Senate adjourned to Monday morning 9 o'clock.

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MONDAY, JANUARY 16, 1826.

The Senate assembled.

Mr. Gregory laid before the Senate, the petition of Job Pugh

and others of Rush county, praying the incorporation of a steam mill company in Rushville, and sundry other petitions on the same subject; all of which were read; when,

Mr. Gregory asked, and obtained leave to introduce a bill to incorporate a steam-mill company in Rushville; which was twice read, and committed for this day.

Mr. Gregory, to whom had been referred the bill for the relief of the collectors of public revenue, now reported an amended bill, for the relief of the collector of Decatur county; which was read, and concurred in.

Mr. Colman, from the select committee to whom was referred the petition of I. G. McDonald and others, praying the removal of the seat of justice of Parke county, also sundry remonstrances on the subject, by consent of a majority of the said committee, now reported—that they have had the same under consideration, and find from a minute examination of the said petition and remonstrances, that the voice of the county of Parke has not been fairly expressed. Your committee, therefore, consider that the prayer of the said petitioners ought not to be granted. And the said report was read, and concurred in.

Mr. Graham, from the select committee to whom had been committed the engrossed bill amendatory to an act entitled “an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the said roads, approved, December 31, 1821,” now reported the same with an amendment; which was read, and concurred in; and the said bill as amended, committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bill, to wit:

An act for the relief of revolutionary soldiers.

And find the same truly enrolled.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they did on the 14th instant, lay before the Governor for his approval and signature—

An act to amend an act entitled, “an act relative to county boundaries—approved, January 21, 1824.” And

An act for the relief of the trustees of the school section No. 16, township No. 14, in range No. 13 east, in Fayette county.

Mr. Cotton, from the joint committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland Road. And find the same truly enrolled.



Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives concur in all the amendments proposed by the Senate to the bill from the House of Representatives, entitled An act for the relief of revolutionary soldiers. They recede from the amendments, proposed by them to the bill from the Senate, entitled An act for the formation of the county of Tippecanoe:

They have passed bills from the Senate of the following titles, to wit:

An act concerning prosecuting attornies.

An act for the benefit of the securitics of Nathaniel W. Marks, late sheriff of Rush county.

An act to establish certain state roads therein named.

An act to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne.

An act amendatory to an act, entitled An act to locate and establish a Seminary in and for the county of Union, approved, February 7, 1825.

An act to amend an act, entitled An act for the better management of the state Prison, and for other purposes, approved, January 31, 1824; the 1st, 3d and 6th, with amendments, and the 2d, 4th and 5th, without amendment.

They have passed bills of the following titles, to wit:

An act to provide for printing and distributing the acts, joint resolutions and journals, of the present General Assembly.

An act to legalize the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county.

An act to repeal a part of an act, supplemental to an act entitled An act declaring Blue river a public highway, and for other purposes, approved, February 11, 1825. And

A Joint Resolution respecting the agent of the state at Indianapolis. In all of which several bills and amendments, the concurrence of the Senate is requested.

The Senate now proceeded to consider the amendments proposed by the House of Representatives, to the engrossed bill from the Senate, concerning prosecuting attornies; and the first amendment made by the House of Representatives, was disagreed to; and the second amendment was read and concurred in; the third amendment was then considered and agreed to with an amendment; and the fourth amendment made to said bill was read and concurred in; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The bill to amend the act, entitled An act for the better management of the state prison, was taken up, the amendments proposed in the House of Representatives, considered; when,

Mr. Graham of Jackson, proposed an amendment thereto,

which was by repealing the 85th section, of the act relative to crimes and punishments; and after considerable discussion thereon, the said bill and amendments, were ordered to lie on the table.

The bill establishing certain state roads therein named, was taken up, the amendments proposed by the House of Representatives, considered and concurred in, and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly, from the House of Representatives, was twice read and committed for to-morrow.

The joint resolution respecting the agent of the state at Indianapolis, was read twice, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives, to legalize the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county, was twice read, and ordered for third reading to-morrow.

Mr. Ewing, from the committee on education, reported a bill incorporating a state seminary, and providing for trustees of the same; which was twice read, and committed for to-morrow.

Mr. De Pauw, from the joint committee of free conference on the subject, now reported—that the joint committee of free conference, appointed for the purpose of compromising the disagreement between the two Houses, as to the amendment made by the Senate, to the bill from the House of Representatives apportioning Senators and Representatives to the General Assembly, have had that subject under their consideration, and have agreed herewith to report an amended bill, providing for eighteen Senatorial districts, and for the election of forty-six Representatives. Which is respectfully submitted.

And the said report was read, and ordered to lie on the table.

Mr. Gregory introduced a joint resolution relative to adopting measures to effect a gradual abolition of slavery within the United States; which was twice read, and committed for to-morrow.

The engrossed bill to provide for the location and survey of a canal route, to connect the navigation of the Wabash with the Miami of the Lakes, was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Givens, Grass,

Gregory, Montgomery, Oliver, Rariden, Smiley Stapp & Watts—13.

*And those who voted in the negative were,*

MESSRS. Chambers, Graham of Jackson, Graham of Clark and Pennington—4.

So it was decided in the affirmative.

The engrossed bill, to amend an act entitled, "an act declaring certain streams therein named, public highways, approved, January 26, 1824," was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of the two last mentioned bills, and request their concurrence therein.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives disagree to the amendment proposed by the Senate, to the bill from the House of Representatives, entitled An act to authorize the sale of a part of the public square in the town of Liberty in the county of Union. They have adopted the joint resolution from the Senate, entitled A joint resolution for the benefit of the securities of M. H. Tucker, deceased, with an amendment; in which the concurrence of the Senate is requested.

The Speaker of the House of Representatives, having signed several enrolled bills, together with a memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland Road, I am directed to bring them to the Senate for the signature of their President.

And the said last mentioned enrolled bills being signed by the President of the Senate, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The Senate now proceeded to consider the amendment made in the House of Representatives, to the joint resolution for the relief of the securities of Martin H. Tucker, deceased; and the said amendment being read, was concurred in, and Mr. Farnham instructed to inform the House of Representatives thereof.

Mr. De Pauw, from the joint committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill entitled—

An act to establish a state road from Liberty in Union county, to Newcastle in Henry county.

And find the same truly enrolled.

The engrossed bill to authorize the sale of a part of the public square in the town of Liberty in the county of Union, as amended in Senate, was taken up, considered, and the amendment made in Senate receded from.



The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives entitled, An act to provide for licensing travelling merchants, and for other purposes:

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with an amendment; which was by striking out the four first sections of said bill; and the said amendments with the bill, were ordered to lie on the table.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill to amend an act entitled, "an act to establish a state road from Aurora in the county of Dearborn, to Napoleon in the county of Ripley, and other state roads therein named—approved, January 6, 1823," and an engrossed bill establishing a state road from Rockport to Boonville:

Mr. Montgomery in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the first of said bills to the Senate as amended, by striking out the same from the enacting clause; and the last mentioned bill without amendment.

The said report was considered, and concurred in; and the first mentioned bill postponed indefinitely.

The engrossed bill to repeal a part of an act, supplemental to an act entitled, "an act declaring Blue River a public highway, and for other purposes—approved, February 11, 1825," from the House of Representatives, was read twice, and committed for to-morrow.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The Senate according to order now resolved itself into committee of the whole, on the bill concerning ferries:

Mr. Pennington in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with one amendment, and the said amendment was considered and concurred in, and the bill as amended was ordered to be engrossed for third reading to-morrow.

The Senate now according to order resolved itself into committee of the whole, on the engrossed bill to amend an act, en-

titled An act to regulate the jurisdiction and duties of justices of the peace:

Mr. Smiley in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment, which was by striking out the same from the enacting clause, and the said amendment was considered and concurred in; when,

On motion,

The further consideration of the said bill was postponed indefinitely.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill, entitled an act to authorize the several townships in certain counties herein named, to elect township officers, and for other purposes; and find the same truly enrolled.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the better improvement of the state road from Rushville to Indianapolis:

Mr. Ewing in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment; which was considered and concurred in.

Mr. Smiley then moved that the further consideration of the said bill be postponed indefinitely.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Jackson, Montgomery, Pennington, Rariden, Smiley and Stapp—6.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Clark, Grass, Gregory, Oliver and Watts—10.

So it was decided in the negative.

Mr. Smiley then moved that the further consideration of the said bill be postponed to the first Monday in December next.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Jackson, Montgomery, Pennington, Rariden and Smiley—5.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Clark, Grass, Gregory, Oliver, Stapp and Watts—12.

So it was decided in the negative.

The bill was then amended in sundry particulars, and ordered to be engrossed and read a third time to-morrow.

Mr. De Pauw from the joint committee on enrolled bills, now reported—that that committee did on this day lay before the Governor, for his approval and signature, the following bills, entitled acts, to wit:

An act for the relief of revolutionary soldiers.

An act to establish a state road from Liberty in Union county to Newcastle in Henry county. And

A memorial of the General Assembly, of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland road.

The following amended bill for the apportionment of Senators and Representatives, to the General Assembly, as reported by the committee of free conference heretofore appointed on the subject matter of disagreement between the two Houses on said bill, was taken up, as follows:

“A Bill for the Apportionment of Senators and Representatives to the General Assembly.”

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of electing Senators to the General Assembly for the ensuing five years, the state be, and the same is hereby divided as follows, to wit: The counties of Posey, Vanderburgh, Warrick and Spencer, shall form one district; the counties of Perry, Gibson, Pike, Dubois, and Martin, one district; the counties of Knox, Daviess and Greene, one district; the counties of Sullivan, Vigo, Vermillion and Clay, one district; the counties of Orange and Lawrence, one district; the counties of Monroe, Jackson and Scott, and the country east of Monroe and west of Bartholomew, one district; the counties of Harrison and Crawford, one district; the counties of Clark and Floyd, one district; the county of Washington, one district; the counties of Jefferson and Jennings, one district; the counties of Switzerland, Ripley and Decatur, one district; the county of Dearborn, one district; the counties of Franklin and Rush, one district; the counties of Fayette and Union, one district; the county of Wayne, one district; the counties of Randolph, Allen, Henry, Hamilton, Marion, and Delaware, one district; the counties of Shelby, Bartholomew, Madison, Johnson and Morgan, one district; and the counties of Owen, Putnam, Montgomery, Hendricks, Parke, Fountain, Tippecanoe and Wabash;



one district; and each of the said districts, shall be entitled to elect one Senator.

SEC. 2. That for the purpose of electing Representatives to the General Assembly for the next five years, the state be, and the same is hereby divided as follows, to wit: The counties of Wayne and Dearborn, each shall be entitled to three Representatives; the counties of Franklin, Jefferson, Clark, Washington and Harrison, each to two Representatives; the counties of Posey, Gibson, Knox, Sullivan, Vigo, Monroe, Lawrence, Orange, Crawford, Floyd, Ripley, Switzerland, Union, Fayette and Rush, each to one Representative; the county of Jackson, and the country west of Bartholomew and east of Monroe, to one Representative; the counties of Vanderburgh and Warrick, to one Representative; the counties of Perry and Spencer to one Representative; the counties of Pike and Dubois, to one Representative; the counties of Greene, Owen and Clay, to one Representative; the counties of Putnam and Morgan, to one Representative; the counties of Montgomery, Fountain, Tippecanoe and Wabash, to one Representative; the counties of Marion and Hendricks, to one Representative; the counties of Bartholomew and Johnson, to one Representative; the counties of Shelby and Decatur, to one Representative; the counties of Scott and Jennings, to one Representative; the counties of Henry, Madison and Hamilton, to one Representative; the counties Randolph, Allen and Delaware, to one Representative; the counties of Parke and Vermillion, to one Representative; and the counties of Daviess and Martin, to one Representative.

When,

Mr. Rariden moved that the Senate do now concur in the report of the joint committee of free conference on said bill.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. De Pauw, Graham of Clark, Montgomery, Pennington, Rariden and Smiley--6.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, Ewing, Givens, Graham of Jackson, Grass, Gregory, Oliver, Stapp and Watts--11.

So it was decided in the negative.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate that the House of Representatives have passed bills of the following titles, to wit:

An act to incorporate the town of Salem, Washington county.

An act reviving and amending the act entitled, An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved December 26, 1815; and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage, and powers of the citizens within the same.

They also refuse to agree to the amendment proposed by the Senate, to the third amendment made by them, to the bill from the Senate, entitled An act concerning prosecuting attorneys, and they insist on the first amendment proposed by them to said bill, and to which the Senate have disagreed. They have passed the bill from the Senate entitled, An act amendatory of the law and for the better advancement of justice, with several amendments, in which several bills and amendments, the concurrence of the Senate is requested.

They refuse to concur in the report of the joint committee of free conference on the subject of the disagreeing votes of the two Houses, relative to the bill from the House of Representatives, entitled An act for the apportionment of Senators and Representatives to the General Assembly.

The Senate proceeded to consider the amendment proposed by the Senate, to the amendment made by the House of Representatives, to the bill concerning prosecuting attorneys. And

On motion,

*Ordered*, That the Senate do recede from their objection to said amendment proposed to said bill; and that Mr. Farnham inform the House of Representatives thereof.

And the Senate adjourned to 9 o'clock to-morrow morning.

TUESDAY, JANUARY 17, 1826.

The Senate assembled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives recede from their disagreement to the amendment proposed by the Senate, to the bill from the House of Representatives entitled, An act for the apportionment of Senators and Representatives to the General Assembly, and agree to the same. They refuse to concur in the amendments proposed by the Senate, to the bill from the House of Representatives entitled, An act to repeal an act entitled "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, "an act, supple-

mental to "an act establishing a county seminary in the county of Knox—approved, February 12, 1825."

The engrossed bill from the House of Representatives to incorporate the town of Salem, Washington county, was twice read and committed for to-morrow.

The engrossed bill from the House of Representatives reviving and amending the act entitled, "an act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory—approved, December 26, 1815," and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage, and the powers of the citizens within the same, was twice read, and committed for to-morrow.

The Senate now proceeded to consider the amendments made by the House of Representatives, to the bill from the Senate, amendatory of the law, and for the better advancement of justice. And the same having been read, the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 10th, 12th, 13th and 14th amendments proposed by the House of Representatives to said bill, were read, and concurred in. They concur in the 11th amendment made by the House of Representatives, with an amendment; and refuse to concur in the 5th, 9th and 15th amendments proposed to said bill by the House of Representatives; of which concurrence and non-concurrence, Mr. Farnham was instructed to inform the House of Representatives.

The Senate now proceeded to consider the amendments made or proposed by them, to the bill from the House of Representatives entitled, An act to repeal an act entitled, "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, "an act supplemental to an act establishing a county seminary in the county of Knox—approved, February 12, 1825." When,

Mr. Givens moved, that the Senate recede from their proposed amendment made to said bill.

And on the question, will the Senate recede from said amendment? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Givens, Montgomery, Smiley and Watts—4.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Graham of Jackson, Graham of Clark, Grass, Gregory, Oliver, Pennington, Rariden and Stapp—12.

So it was decided that the Senate will not recede from said amendment. And

On motion by Mr. Graham of Jackson,



*Ordered*, That the Senate insist on the amendment proposed by them to said bill; and that Mr. Farnham inform the House of Representatives thereof.

Mr. Wick, secretary of state, now informed the Senate, that his Excellency, the Governor, had directed him to announce to the Senate, that on this day, (January 17,) A memorial of the General Assembly of the state of Indiana, to the Congress of the United States, on the subject of the Cumberland Road, which originated in the Senate, has received his approbation and signature; and that the said memorial has been filed in the office of the secretary of state.

Mr. Cotton, from the joint committee on enrolled bills, now reported—that they had compared the following enrolled with the engrossed bills, to wit:

An act to locate and establish a seminary in and for the county of Union—approved, February 7, 1825. And

An act to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne.

And find the same truly enrolled.

Mr. De Pauw, from the joint committee on enrolled bills, now reported—that they have compared the enrolled with the engrossed bills, entitled acis, to wit:

An act establishing certain state roads therein named.

An act for the formation of the county of Tippecanoe. And

An act for the benefit of the securities of N. W. Marks, late sheriff of Rush county.

And found the same truly enrolled.

Mr. Gregory asked, and obtained leave to introduce a bill supplemental to “an act regulating general elections;” which was twice read, and committed for to-morrow.

Mr. Colman laid before the Senate; the petition of Adam Brenton, of Owen county; which was read, and referred to the judiciary committee.

Mr. De Pauw offered for consideration, a resolution relative to an alteration in the laws incorporating township schools; which was read, and ordered to lie on the table.

Mr. Watts asked, and obtained leave to introduce a bill to amend an act entitled, “an act for the apportionment of Senators and Representatives to the General Assembly;” which was read twice, and ordered to lie on the table.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Oliver offered the following protest:

The bill attaching part of Franklin county to the counties of

Fayette and Union, appears to have been predicated on the application of forty-six petitioners, praying that *one mile* in width, (twelve sections) of the former, may be attached to the latter, and on a second petition with fourteen signers, praying that two sections may be attached to Fayette. The petitions, from the printed journal of the House of Representatives, appear to have been referred to a select committee, which was composed in part, of the members from Fayette and Union, who, instead of conforming to the prayer of the petitioners, reported a bill attaching *twenty-four sections* to Union, and *six* to Fayette, which in the absence of any remonstrance, passed the lower House, and was sent to this branch of the Legislature. Since it has been reported to the Senate, a remonstrance with twenty signers from the *six sections* attached to Fayette, has been presented; two remonstrances, from that part attached to Union have also been presented with *fifty-four signers*, seventeen of whom purported to be signers to the petition of forty-six, which reduces that petition to twenty-nine, making in all *forty-three petitioners*, opposed by *seventy-four signers* to the remonstrances.

The undersigned for himself, his constituents and the good people in the district attached to Union and Fayette, enters this as his protest against the passage of said bill, and assigns the following reasons:

1st. The bill instead of taking from Franklin and adding to Fayette and Union the *fourteen sections* as asked for by the petitioners, strikes from Franklin and adds to the two latter, *thirty sections*, without consulting the wishes of the people residing therein.

2d. At a fair computation there are not less than one hundred and forty voters within the bounds attached, of whom only *forty-three*, (after deducting the seventeen on the remonstrance) have expressed their sentiments in favour of the project, while seventy-four have protested.

3d. In the humble opinion of the undersigned, by the passage of this bill, the principle "that the majority shall govern," has been broken down, the rights of the citizens in that part of Franklin have been violated, and our powers to legislate have been unwarrantably exercised and abused.

4th. The people of Fayette and Union have no claims to the territory; they have neither expected, nor sought for it; it is a sacrifice and loss of territory, that has never been requested on the score of right or justice by the adjoining counties, and has been earnestly protested against by hundreds of the citizens of Franklin.

5th. In the annals of our legislation an instance cannot be pointed out, in which the bounds of a county have been circum-

scribed without the consent of at least a *part* of the Representation, but in this case it has been done, not only without paying that respect to the wishes of her Representatives, which has at all times been extended towards members in local matters, but *regardless* of the will of the majority, so far as the will of that district has been expressed.

6th. It is the further opinion of the undersigned, that by annexing *thirty* sections to those counties when *fourteen* only were asked for, we, even in the absence of a remonstrance, trifle with the feelings and rights of the citizens of that district, but in the present instance more than double the extent of territory asked for, has been (as he humbly conceives) *arbitrarily* set off over a remonstrance couched in respectful terms, which outnumbers the petition now lying on our table, whereby we set at defiance that feature and principle in our government so long recognized, which declares "that the majority shall govern," and which has until now, operated as a barrier to encroachments and shielded the rights and liberties of our constituents.

7th. By passing the bill taking from Franklin *double* the territory asked for, on the *first* application, and without knowing the number of voters in the district, unasked for by the people of Fayette and Union, but with a remonstrance exceeding the number of the petitioners, we establish a precedent which invites Representatives in adjoining counties to unite with the discontented *minority* of any district for the purpose of making similar encroachments.

D. OLIVER.

Which was read and ordered to be spread on the journals.

The engrossed bill for the better improvement of the state road from Rushville, to Indianapolis, was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Grass, Gregory, Oliver, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Givens, Graham of Jackson, Graham of Clark, Montgomery, Pennington and Smiley—6.

So it was decided in the affirmative, and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton clerk of the House of Representatives, now informed the Senate that the House of Representatives insist on the fifth and ninth amendments proposed by them to the bill from the Senate, entitled An act amendatory of the law, and



for the better advancement of justice; they recede from the fifteenth amendment, and concur in the amendment proposed by the Senate to their eleventh amendment to said bill.

They have passed bills of the following titles, to wit:

An act for the relief of persons owning lots in Springfield, Posey county.

An act to authorize the qualified votes of the first school district in Clark's Grant, to elect a trustee. And

A Joint Resolution disapproving the amendment proposed by the state of Tennessee to the constitution of the United States, in which bills and joint resolution the concurrence of the Senate is requested; and that the Speaker of the House of Representatives having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President.

And the said enrolled bills having been signed by the President of the Senate, were handed to the committee on enrolled bills to be laid before the Governor for his approval and signature.

The Senate now proceeded to consider their objections to the fifth amendment made by the House of Representatives to the bill amendatory of the law, and for the better advancement of justice; and,

On motion,

*Ordered*, That the Senate insist on their objection to the said fifth amendment.

The Senate then proceeded to consider their objections to the ninth amendment made by the House of Representatives, to said bill; and,

On motion,

*Ordered*, That the Senate recede from their objections to said amendment; and Mr. Farnham was instructed to inform the House of Representatives, that the Senate insist on their objection to the fifth amendment, and recede from their objection to the ninth amendment in said bill.

The engrossed bill from the House of Representatives, for the relief of persons owning lots in Springfield, Posey county; the engrossed bill from the House of Representatives to authorize the qualified voters, of the first school district in Clark's Grant to elect a trustee; and the engrossed joint resolution disapproving of the amendments proposed by the state of Tennessee, to the constitution of the United States, from the House of Representatives, were severally read twice, by common consent, and severally committed for to-morrow.

The engrossed bill concerning ferries, was read a third time.

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. De Pauw, Graham of Clark, Grass, Gregory, Montgomery, Oliver, Rariden, Smiley and Watts—9.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, Ewing, Graham of Jackson, Pennington and Stapp—7.

So it was decided in the affirmative, and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

The engrossed bill from the House of Representatives establishing a state road from Rockport to Boonville; the engrossed bill from the House of Representatives legalizing the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county; and the engrossed joint resolution from the House of Representatives, respecting the agent for the state at Indianapolis, were severally read a third time, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill amendatory to the act, entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the same—approved, December 31, 1821:"

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments; which were read, and concurred in; and the said amendments ordered to be engrossed, and with the bill read a third time to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution relative to the gradual emancipation of slaves:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said resolution to the Senate with an amendment, which was by striking it out from the word "resolved;" when,

Mr. Pennington moved, that the further consideration of the said resolution be postponed indefinitely; which said resolution reads in the following words, to wit:

"WHEREAS, The condition of a large portion of the population of the United States, has made and continues to make the"

strongest appeals to all reflecting citizens, and to excite in every lover of his country, the deepest solicitude that a plan may be devised to exonerate our country of a great moral and political evil, as well as to purge the national character of imputations, which, whether well or ill founded, unhappily attach to it, and operate injuriously: And whereas, the Representatives of the people of Indiana, are convinced that they truly represent the feelings and wishes of their constituents, by uniting with other states, and making every effort themselves to promote the cause of gradual emancipation, and the general extirpation of slavery: Therefore,

*Resolved by the General Assembly of the State of Indiana, That the proposition offered to one of the Branches of the National Legislature at the last session of Congress, contemplating the creation of a fund from the sales of public lands, after the object for which these lands were originally pledged shall have been accomplished, for promoting the emancipation of persons held in bondage in the United States, meets our decided approbation.*

*Resolved, That our Senators and Representatives in Congress, be requested to use all legitimate means to further this grand object of duty and philanthropy, by the exercise of the powers confided to them by the Constitution of the United States; and if in their opinion, these powers should be inadequate, that they be requested to point out wherein they are insufficient, and to recommend to the people and states of the Union, such alterations and modifications as may have a tendency to secure the desired object.*

*Resolved, That his Excellency the Governor, be requested to transmit a copy of the foregoing resolutions to the President of the United States, and to the chief executive officers of the several states, and to each of our Senators and Representatives in Congress."*

And on the question, shall the further consideration of these resolutions be postponed indefinitely?

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Montgomery, Pennington, Smiley and Watts—10.

*And those who voted in the negative were,*

MESSRS. Chambers, Gregory and Oliver—3.

So it was decided in the affirmative.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives insist



on their disagreement to the amendment made by the Senate, to the bill from the House of Representatives, entitled An act to repeal "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled, An act supplemental to "an act establishing a county seminary in the county of Knox—approved, February 12, 1825." They continue to insist on the fifth amendment made by them, to the bill from the Senate, entitled An act amendatory of the law, and for the better advancement of justice. They have passed a bill incorporating the Whitewater Canal Company; in which they ask the concurrence of the Senate. And that the Speaker of the House of Representatives having signed an enrolled bill, he was directed to bring it to the Senate, for the signature of their President.

And the said enrolled bill last mentioned, having been signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

And the Senate adjourned to 9 o'clock to-morrow morning.

### WEDNESDAY, JANUARY 18, 1826.

The Senate assembled.

On motion,

*Ordered*, That the Senate recede from their objection to the fifth amendment made by the House of Representatives to the bill which originated in the Senate, entitled An act amendatory of the law, and for the better advancement of justice; and that Mr. Farnham inform the House of Representatives thereof.

On motion,

*Ordered*, That the Senate insist on their amendment made to the bill from the House of Representatives entitled an act to repeal an act entitled An act for the relief of Claudius G. Brown, approved, January 26th, 1824; and part of an act entitled an act supplemental to An act establishing a county seminary in the county of Knox, approved, February 12th, 1825.

And on motion by Mr. Cotton,

*Ordered*, That the said bill and amendment, lie on the table.

The bill from the House of Representatives, incorporating the Whitewater canal company was read twice; when,

Mr. Rariden moved to amend the same by striking out the words, "west fork of Whitewater;" (the object of which amend-

ment was to give the directors the whole scope of Wayne County, for the location of said canal;) which amendment was adopted, and the said bill was committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Rariden, from the judiciary committee; to whom had been referred the petition and documents of Adam Brenton, of Owen county, on the subject of ferries, reported—that the statutes now in force on that subject, are in the opinion of said committee amply sufficient to secure the citizens of the state in the full enjoyment of all those rights; and therefore, no additional enactments are requisite.

And the said report being read, was concurred in.

Mr. Colman then obtained leave to withdraw the documents of Adam Brenton.

On motion by Mr. Graham of Jackson,

It was resolved, that the committee of ways and means, be instructed to receive, examine and report on the claims of Douglass & Maguire, for stationary &c. furnished for the use of the General Assembly at their present session, and also such other claims as may be presented to them for services rendered or articles furnished for the use of the present General Assembly.

Mr. Oliver, from the committee on the affairs of Indianapolis now reported a bill to appropriate money for the building of a Governor's House in the town of Indianapolis; which was read twice and committed for to-morrow.

Mr. Gregory asked, and obtained leave, to introduce a bill for the relief of Samuel M'George; which was twice read and committed for to-morrow.

Mr. Oliver asked, and obtained leave to introduce a bill supplemental to an act passed at the present session, entitled an act to amend an act, entitled An act relative to county boundaries, approved, January 31, 1824; which was read; when,

Mr. Smiley moved to reject the said bill.

And on this question, the ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Graham of Clark, Montgomery, Pennington, Smiley and Stapp—5.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Givens, Graham of Jackson, Grass, Gregory, Oliver, Rariden and Watts—12.

So it was decided in the negative, and the said bill read a second time, and committed for to-morrow.

Mr. Gregory asked, and obtained leave to introduce a joint resolution of the General Assembly relative to the clerks office of the supreme court; which was twice read, and committed for to-morrow.

The engrossed bill amendatory to the act entitled An act authorizing the laying off certain state roads, in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the same, approved, December 31, 1821, was read a third time and passed as amended; and Mr. Farnham was instructed to inform the House of Representatives of the passage of the said bill with amendments, in which the concurrence of that House is requested.

The Senate now according to order, resolved itself into committee of the whole, on the bill incorporating a state seminary, and providing for trustees of the same:

Mr. Graham of Clark, in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same with an amendment, which was by striking out the same, from the enacting clause; and the said amendment was concurred in. And

On motion by Mr. Pennington,

The further consideration of the said bill was postponed indefinitely.

Mr. Ewing then moved for leave to withdraw said bill; which was refused.

Mr. De Pauw, from the committee on enrolled bills, now reported—that the said committee did on this day, lay before the Governor for his approval and signature, the following bills, entitled acts, to wit:

An act amendatory to an act, entitled an act to locate and establish a seminary in and for the county of Union, approved, February 7th, 1825.

An act to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne.

An act for the benefit of the securities of Nathaniel W. Marks, late sheriff of Rush county.

An act for the formation of the county of Tippecanoe.

An act establishing certain roads therein named. And

An act to authorize the several townships, in certain counties herein named, to elect township officers, and for other purposes.

And that said committee have compared the enrolled with the engrossed bill, entitled An act for the relief of the purcha-



sers of lots in the town of Indianapolis; and find the same truly enrolled.

The Senate now according to order, resolved itself into committee of the whole, on the bill to incorporate a Steam Mill Company in Rushville:

Mr. Watts in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate, with an amendment, which was by striking out the first section of the bill; and the said amendment was considered and concurred in.

Mr. Pennington then moved that the further consideration of the said bill be postponed indefinitely.

And on this question,

*Those who voted in the affirmative were,*

MESSRS. De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Montgomery, Pennington, Rariden, Smiley, Stapp and Watts—12.

*And those who voted in the negative were,*

MESSRS. Chambers, Gregory and Oliver—3.

So it was decided in the affirmative.

The Senate now according to order, resolved itself into committee of of the whole, on the engrossed bill to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly:

Mr. Montgomery in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments; which were read and concurred in, and the amendments ordered to be engrossed, and with the bill, read a third time this afternoon.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The engrossed bill from the House of Representatives, to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly, as amended was read a third time and passed, and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, with amendments, in which the concurrence of that House is requested.

The Senate according to order, now resolved itself into com-

mittee of the whole on the bill from the House of Representatives, to repeal part of an act supplemental to an act, entitled An act declaring Blue river a public highway, and for other purposes, approved, February 11, 1825:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment, which was by striking out the same from the enacting clause; and the said amendment, having been concurred in, the further consideration of said bill was postponed until the first Monday in December next.

Mr. Stapp from the joint committee on enrolled bills now reported, that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act for the apportionment of Senators and Representatives to the General Assembly.

An act concerning prosecuting attornies.

An act establishing a state road from Rockport to Boonville.

An act legalizing the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county.

A Joint Resolution respecting the agent of the state at Indianapolis. And

A Joint Resolution for the benefit of the securities of Martin H. Tucker, deceased; and find the same truly enrolled.

The Senate now, according to order resolved itself into committee of the whole on the engrossed bill, to incorporate the town of Salem, Washington county:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, with sundry amendments; which were read and concurred in, and the said bill as amended was read a third time and passed; and Mr. Farnham was instructed to inform the House of Representatives, of the passage of said bill, with amendments, in which the concurrence of that House is requested.

The Senate now according to order, resolved itself into committee of the whole on the bill reviving and amending, the act entitled an Act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved, December 26th, 1815, and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage, and the powers of the citizens within the same:

Mr. Stapp in the chair:

When, after some time spent thereon, the committee rose:

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate, without amendment.

The said bill was then read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill supplemental to "an act regulating general elections:"

Mr. Gregory in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same with amendments; which were read, and concurred in; and the bill as amended, ordered to be engrossed for third reading to-morrow.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed joint resolution, disapproving the amendments proposed by the state of Tennessee to the Constitution of the United States:

Mr. Ewing in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same without amendment.

Mr. Ewing then moved to strike out so much of said resolutions as disapproves of that part of the proposed amendment to the constitution of the United States, prohibiting the appointment of Congressmen to office during the time for which they were elected, and for six months after.

And on this question, the ayes and noes being demanded:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Ewing, Givens, Gregory, Oliver and Rariden—6.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Graham of Jackson, Graham of Clark, Grass, Montgomery, Pennington, Smiley, Stapp and Watts—10.

So it was decided in the negative; and the said resolution was read a third time; when,

On the question, shall this resolution pass?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Graham of Clark, Grass, Montgomery, Pennington, Rariden, Stapp and Watts—11.



*And those who voted in the negative were,*

MESSRS. Ewing, Givens, Graham of Jackson, Gregory, Oliver and Smiley—6.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said joint resolution without amendment.

The Senate now according to order, resolved itself into committee of the whole, on the bill authorizing the qualified electors in the first school district in Clark's Grant, to elect a trustee; and the bill for the relief of persons owning lots in the town of Springfield, Posey county:

Mr. Montgomery in the chair;

When, after some time spent on said several bills, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the first mentioned bill to the Senate with amendments; which were read, and concurred in; and reported the second bill to the Senate with an amendment; which was by striking out the said bill from the enacting clause.

And on the question, will the Senate concur in the amendment made in committee of the whole to the last mentioned bill?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Givens, Grass, Gregory, Montgomery, Smiley, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, and Pennington—3.

So it was decided in the affirmative; and

On motion by Mr. Givens,

The further consideration of the said bill was postponed indefinitely.

The bill authorizing the qualified electors in the first school district in Clark's Grant, to elect a trustee, as amended, was then read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill with amendments, and to request their concurrence in said amendments.

The engrossed bill for the relief of the sheriff of Decatur county, was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have adopted the following resolution:

*Resolved, That a committee of free conference be appointed*

on the part of this House, to confer with a similar committee to be appointed on the part of the Senate, on the subject of the disagreeing votes between the two Houses, relative to the amendments proposed by the Senate, to the bill from the House of Representatives, entitled an act to repeal "an act for the relief of Claudius G. Brown—approved, January 26, 1824," and part of an act entitled "an act supplemental to "an act establishing a county seminary in the county of Knox—approved, February 12, 1825;" and the House of Representatives have on their part appointed Messrs. Beckes and Marshall that committee.

They concur in the 1st, 2d, 3d and 5th amendments proposed by the Senate, to the bill from the House of Representatives entitled, an act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly; but disagree to the 4th amendment proposed by the Senate to said bill. They have passed the bill from the Senate, entitled an act concerning salt springs in Orange county, without amendment. And that the Speaker of the House of Representatives, having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President.

And the said enrolled bills having been signed by the President of the Senate, were handed to the committee on enrolled bills, to be laid before the Governor, for his approval and signature.

The Senate now proceeded to consider the amendments made by them, to the engrossed bill from the House of Representatives, entitled an act to repeal "an act for the relief of Claudius G. Brown—approved, January 26, 1824;" and part of an act, entitled "an act supplemental to "an act establishing a county seminary in the county of Knox—approved, February 12th, 1825;" and

On motion,

*Ordered*, That the Senate recede from their amendments made to said bill; and that Mr. Farnham inform the House of Representatives thereof.

The Senate now proceeded to consider the fourth amendment proposed by them, to the engrossed bill from the House of Representatives, entitled an act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly; and

On motion by Mr. Graham of Jackson,

*Ordered*, That the Senate insist on said fourth amendment; and that Mr. Farnham inform the House of Representatives thereof.

Mr. Ewing gave notice that he would enter his protest

against the passage of the act for the apportionment of Senators and Representatives in the General Assembly; and the passage of the act to repeal "an act for the relief of Claudius G. Brown, &c. &c.

On motion by Mr. Smiley,

It was resolved, that the secretary of state be authorized and requested, in the course of the ensuing season, and before the next session of the General Assembly, to cause a suitable desk, with drawers, pigeon holes, locks, &c. &c. to be provided for the use of the Secretaries of the Senate.

And the Senate adjourned to 9 o'clock to-morrow morning.

## THURSDAY, JANUARY 19, 1826.

The Senate assembled.

Mr. Thornton clerk of the House of Representatives, now informed the Senate that the House of Representatives have passed bills from the Senate of the following titles, to wit:

An act to amend an act, entitled "an act declaring certain streams therein named, public highways—approved, January 26, 1824." And

An act authorizing the leasing of Royce's Lick reserve.

Both without amendment.

They have passed bills of the following titles:

An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts; and the act to amend the same.

An act authorizing the board of justices of Gibson county to vacate certain streets and parts of streets in the town of Princeton, and to vacate the town of Highbanks in Pike county, and Saundersville in Vanderburgh county.

An act attaching part of the county of Pike to the county of Warrick.

An act legalizing the proceedings of the board of justices of Hendricks county.

An act to improve the navigation of the East and West Forks of White River.

An act making general appropriations for the year 1826; and

An act to encourage the destruction of wolves; in all of which, the concurrence of the Senate is requested.

On motion by Mr. Watts,

Ordered, That the Senate will now proceed to re-consider



their vote of yesterday, receding from the amendment proposed by the Senate, to the engrossed bill from the House of Representatives, entitled an act to repeal "an act for the relief of Claudius G. Brown—approved, January 26, 1824;" and part of an act, entitled "an act supplemental to "an act establishing a county seminary in the county of Knox—approved, February 12, 1825." And the said vote being re-considered;

On the question again recurring, will the Senate recede from their said proposed amendment to said bill? It was decided in the negative; and

On motion,

*Ordered*, That the Senate continue to insist on their said proposed amendment; and that Messrs. Graham of Jackson and Watts, are appointed a committee of free conference on the part of the Senate, to confer with a similar committee heretofore appointed on the part of the House of Representatives, on the subject matter of disagreement between the two several Houses, on the said bill; and Mr. Farnham was instructed to inform the House of Representatives thereof.

On motion by Mr. Oliver,

*Ordered*, That the Senate will now proceed to re-consider their vote postponing indefinitely, the bill to amend the act, entitled "an act for opening and repairing public roads and highways." And the said vote having been reconsidered;

On the question again recurring, shall the further consideration of this bill be postponed indefinitely? It was decided in the negative.

Mr. Pennington then offered sundry amendments to the bill, which were adopted; and the said bill as amended, read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The President laid before the Senate, a communication from William Sanders, road commissioner on a part of the state road leading from Indianapolis, to Madison; which was read and ordered to lie on the table.

Mr. Pennington moved that the Senate do now re-consider their vote, postponing indefinitely, the further consideration of the bill to re-attach a part of Wayne county, to the county of Henry:

And on the question, will the Senate re-consider said vote?

It was decided in the negative.

The engrossed bill from the House of Representatives, supplementary to the act regulating judicial circuits, and fixing the times of holding courts, and the act to amend the same; and the engrossed bill from the House of Representatives, to

improve the navigation of the east and west forks of White river, were severally read twice by common consent, and severally committed to committees of the whole Senate, and made the order of the day for this day.

The engrossed bill from the House of Representatives, legalizing the proceedings of the board of justices, of Hendricks county; and the engrossed bill from the House of Representatives, attaching a part of Pike county, to the county of War-rick, were severally read three times by common consent, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Wick, secretary of state, now informed the Senate, that the Governor has on this day (January 19) approved and signed the enrolled bills which originated in the Senate, of the following titles, to wit:

An act amendatory to an act, entitled an act to locate and establish a seminary, in and for the county of Union, approved February 7, 1825.

An act for the benefit of the securities of N. W. Marks, late sheriff of Rush county.

An act to provide for the continuation of the survey of the state road from Terre-Haute to Fort Wayne. And

An act establishing certain roads therein named.

The said bills have been filed in the office of the secretary of state.

The engrossed bill authorizing the board of justices of Gibson county, to vacate certain streets, and parts of streets, in the town of Princeton, and to vacate the town of Highbanks, in Pike county, and Sandersville, in Vanderburgh county, was read three times, by common consent, and passed without amendment; and Mr. Farnham was directed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, making general appropriations, for the year 1826, was read three times, by common consent, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, entitled An act to encourage the destruction of wolves, was read twice by common consent, and ordered for third reading to-morrow.

The Senate now proceeded to consider the amendments made by the House of Representatives, to the act entitled an act to amend An act declaring certain streams therein named, public highways, approved, January 26, 1825; and

On motion,

The said amendments were concurred in; and Mr. Farn-

ham was instructed to inform the House of Representatives thereof.

On motion,

*Ordered*, That the Senate continue to insist on their fourth amendment, made to the engrossed bill from the House of Representatives, to provide for printing and distributing the acts, joint resolutions and journals, of the present General Assembly, and have appointed Messrs. Pennington and Gregory, a committee of free conference on the part of the Senate, to confer with such committee as may be appointed on the part of the House of Representatives, on the subject matter of difference between the two Houses, relative to the said fourth amendment proposed to said bill; and that Mr. Farnham inform the House of Representatives thereof, and request a similar committee on their part.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives continue to insist on their disagreement to the fourth amendment proposed by the Senate to the bill from the House of Representatives, entitled An act to provide for printing and distributing the acts, joint resolutions and journals, of the present General Assembly, and request a joint committee of free conference on that subject, and have on their part appointed Messrs. Craig and Lemon such committee.

They concur in all the amendments proposed by the Senate to the bill from the House of Representatives entitled An act to incorporate the town of Salem, Washington county.

And the Speaker of the House of Representatives, having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President.

They have passed bills of the following titles, to wit:

An act amendatory of the several acts, for assessing and collecting the revenue.

An act making specific appropriations for the year 1826.

A joint resolution providing for publishing with the acts of the General Assembly, at the present session, the laws of the United States, relative to the naturalization of aliens.

A joint resolution respecting the court house of Marion county. And

A joint resolution from the Senate explanatory of an act requiring the secretary of state to procure a letter book, for the use of the state, without amendment.

In all of which several bills, and joint resolutions the concurrence of the Senate is requested.

The engrossed bill from the House of Representatives, entitled An act amendatory of the several acts, for assessing and



collecting the revenue; and the engrossed bill making specific appropriations for the year 1826, from the House of Representatives, were severally read twice, by common consent, and severally committed to committees of the whole for this day.

The engrossed joint resolution from the House of Representatives, providing for publishing with the acts of the present General Assembly, the laws of the United States, relative to the naturalization of aliens, was read three times and passed by common consent, without amendment; and Mr. Farnham was directed to inform the House of Representatives thereof.

Mr. De Pauw now reported, that the joint committee on enrolled bills, did on this day lay before the Governor for his approval and signature, sundry enrolled bills, entitled acts, viz.

An act for the apportionment of Senators and Representatives to the General Assembly.

An act for the relief of the purchasers of lots in the town of Indianapolis.

An act concerning prosecuting attornies.

A joint resolution for the benefit of the securities of Martin H. Tucker, deceased.

And that the same committee have compared an enrolled bill entitled, An act concerning salt springs in Orange county, with the engrossed bill on that subject; and find the same truly enrolled.

The joint resolution from the House of Representatives, respecting the court-house of Marion county, was twice read by common consent and committed for this day.

The engrossed bill supplemental to "an act regulating general elections," was read three times, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

On motion by Mr. Montgomery,

The bill to attach a part of Daviess county to the county of Dubois, was now taken up, considered; and

On motion,

The further consideration thereof, was postponed until the first Monday in December next.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives incorporating the Whitewater canal company:

Mr. Grass in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with amendments; which were read, and concurred in; and the amend-

ments ordered to be engrossed, and with the bill read a third time this day.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution relative to the office of the clerk of the supreme court:

Mr. Smiley in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said joint resolution to the Senate with amendments; which were read, and concurred in; and the said joint resolution as amended, was ordered to be engrossed, and read a third time this day.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, making specific appropriation for the year 1826:

Mr. Oliver in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; when,

Mr. Oliver offered the following amendment to said bill, to wit: "That the witnesses who attended in obedience to the summons of the Senate, on the part of the defendants, Marks, Cooper and Campbell, who were impeached at the present General Assembly, be allowed for their attendance on said impeachments, a compensation in equal proportion to the allowance made to the witnesses on the part of the state in said cases, to be ascertained by their several claims, as entered on the journals of the Senate." When,

Mr. Gregory moved to amend the said amendment, by striking out from the word "defendants," the letter "s;" and by striking out of the same, the words "Marks, Cooper and;" (the object of which amendment was to allow compensation to the witnesses summoned on the part of Campbell, and disallow compensation to those summoned on behalf of the defendants, Marks and Cooper.)

And on the question, shall the amendment offered by Mr. Oliver, be amended as proposed by Mr. Gregory? The ayes and noes being demanded:

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Givens, Graham of Jackson, Gregory, Montgomery, Pennington, Smiley and Watts—9.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, Grass, Oliver and Stapp—5.

So it was decided in the affirmative; and the said letter and words stricken out.

And on the question, shall the said amendment as amended be adopted?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Graham of Clark, Grass, Gregory, Oliver, Pennington, Stapp and Watts—10.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Givens, Graham of Jackson, Montgomery and Smiley—6.

So it was decided in the affirmative; and the said amendment adopted.

The amendments made to the said bill, were then read, and concurred in; except the following item: "That the Auditor be instructed to audit, and the Treasurer to pay to James B. Ray, for his services from the first Monday in August last, to the third day of the present session of the General Assembly, the sum of \$352 80, to be paid out of any monies in the treasury appropriated to defray the expenses of the executive department, for the year 1825."

And on the question, shall this amendment be adopted?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Ewing, Graham of Clark, Grass, Gregory, Oliver, Smiley, Stapp and Watts—12.

*And those who voted in the negative were,*

MESSRS. Givens, Graham of Jackson, Montgomery and Pennington—4.

So it was decided in the affirmative; and the said amendment adopted.

The said several amendments were then ordered to be engrossed, and with the bill read a third time to-morrow.

Mr. Stapp made the following report, to wit:

*Mr. President,*

The Joint committee on enrolled bills, have compared the



enrolled with the engrossed bill, entitled An act amendatory of the law, and for the better advancement of justice; and find the same truly enrolled.

Mr. De Pauw now reported, that the committee on enrolled bills, did on this day, present to the Governor for his approval and signature, sundry enrolled bills, entitled acts, to wit:

An act establishing a state road from Rockport to Boonville.

An act amendatory of the law, and for the better advancement of justice.

An act legalizing the acts of Jacob B. Lowe, clerk of the circuit court of Monroe county. And

A joint resolution respecting the agent of the state at Indianapolis.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have received official information, that his Excellency the Governor, did on the 15th day of December, 1825, approve and sign,

An act to repeal an act entitled, "an act authorizing the administrators of John H. Piatt, to sell certain land therein mentioned." On the 19th,

An act legalizing the proceedings of the school trustees of Congressional township, No. 13, in range No 13, in Fayette county. And

An act to amend the act entitled, "an act to establish seats of justice in new counties—approved, January 14, 1824." On the 22d,

An act legalizing the marriage of William Wright of the county of Floyd. And

An act requiring the secretary of state to procure a letter book for the use of the state. On the 26th,

An act for the relief of Alexander Dick.

An act for the relief of Benjamin F. Barker and Henry Waggoner, and for other purposes. And

An act for contesting the election of Governor and Lieutenant Governor. On the 30th,

An act to improve the navigation of Laughery creek.

An act for the formation of a new county out of the counties of Montgomery and Wabash.

An act to amend the act entitled "An act declaring certain streams therein named public highways," approved, January 26, 1824. And

An act legalizing the proceedings of the boards of justices of Vermillion and Hamilton counties, for the year eighteen hundred and twenty-five. On the 31st,

An act to provide for a certain return of the votes of Governor and Lieutenant Governor.

An act providing for removing the obstructions in the river Patoka. And

An act authorizing the surviving administratrix, of the estate of Harvey Heth, deceased, to sell and convey real estate. On the 11th day of January, 1826,

An act to legalize the proceedings of the trustees of the Bartholomew county library. On the 13th,

An act authorizing John W. Cox to erect a mill dam across the west fork of White river.

An act to authorize Jacob Caylor, to dig a mill race through a part of a school section in Wayne county.

An act to authorize the lessee of the ferry across White river, near Indianapolis, to erect a dwelling house on said premises.

An act to improve the navigation of the Muscatituck rivers.

And, An act appointing commissioners to re-locate the seat of justice of Madison county. On the 15th,

An act for the relief of the heirs of Benjamin Warner, deceased, and for other purposes. On the 16th,

An act to amend an act entitled "An act relative to county boundaries," approved January 21, 1824. And

An act for the relief of the trustees of the school section No. 16, township 14, in range No. 13 east, in Fayette county. And, on the 17th,

An act for the relief of revolutionary soldiers. And

An act to establish a state road from Liberty, in Union county, to New Castle, in Henry county.

All of which originated in this House.

The House of Representatives have passed the bill from the Senate, entitled An act for the relief of the collectors of the counties of Shelby and Jefferson, with amendment.

They have passed engrossed bills of the following titles, to wit:

An act in addition to the act, entitled An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund, commonly called the three per cent. fund, for opening said roads, approved, December 31, 1821.

An act to amend the act, entitled An act relative to crimes and punishments, approved, January 20, 1824.

An act to amend the act, entitled An act regulating divorces, approved, January 22, 1824.

A joint resolution and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state.

In all of which several bills, joint resolution and amendments

to the aforesaid bill, the concurrence of the Senate is requested.

The Senate now proceeded to consider the amendments made by the House of Representatives, to the bill from the Senate, for the relief of the sheriffs of the counties of Shelby and Jefferson, and the same having been read at the secretary's table, were severally concurred in; and Mr. Farnham was instructed, to inform the House of Representatives thereof.

The orders of the day being for a time suspended,—

Mr. Graham of Jackson, from the joint committee of free conference, on the subject, now made the following report, to wit:

*Mr. President,*

The committee of free conference, on the subject of the disagreement between the two houses, relative to the amendment made by the Senate to the bill repealing an act for the relief of Claudius G. Brown, and have had that subject under consideration, and have agreed to report, that they cannot compromise the matter; and the said committee were discharged.

Mr. Givens then moved that the Senate re-consider their vote insisting on the amendment made by them to the said bill, repealing the act for the relief of Claudius G. Brown, &c.

And on the question, will the Senate re-consider their said vote?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Givens, Grass, Montgomery and Smiley—5.

*And those who voted in the negative were,*

MESSRS. Colman, Cotton, De Pauw, Graham of Jackson, Graham of Clark, Gregory, Pennington, Oliver, Stapp and Watts—10.

So it was decided in the negative.

The engrossed bill from the House of Representatives, to amend the act entitled An act regulating divorces, approved, January 22, 1824, was read twice by common consent, and ordered for third reading to-morrow.

The engrossed bill from the House of Representatives, to amend an act entitled, An act relative to crimes and punishments, approved, January 20, 1824; was read twice, and committed for to-morrow.

The bill from the House of Representatives, in addition to the act entitled, An act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, for opening said road, approved, December 31, 1824, was read a first time, when



Mr. Montgomery moved to reject said bill.

And on the question, shall said bill be rejected?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Graham of Jackson, Montgomery, Smiley and Stapp—6.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Ewing, Givens, Graham of Clark, Grass, Gregory, Oliver, Pennington, and Watts—10.

So it was decided in the negative.

The bill was then read a second time, by common consent, and committed for to-morrow.

The joint resolution, and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state, was twice read by common consent, committed to a committee of the whole Senate, and made the order of the day for to-morrow.

Mr. Thornton clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed bills of the following titles, to wit:

An act incorporating a seminary in the county of Gibson, and for other purposes. And

An act to vacate certain lots in the town of Indianapolis, and for other purposes; in which the concurrence of the Senate is requested.

They have passed the bill from the Senate entitled, An act appointing an agent of the three per cent. fund, without amendment.

They request a second joint committee of free conference, to be appointed to confer on the subject of the disagreeing votes of the two Houses, relative to the amendment proposed by the Senate, to the bill from the House of Representatives entitled, an act to amend an act entitled, An act for the relief of Claudius G. Brown, approved, January 26, 1824; and to repeal part of an act entitled, An act establishing a county seminary, in the county of Knox, approved, February 12, 1825, and have on their part, appointed Messrs. Moffatt and Blair, said committee.

The engrossed bill from the House of Representatives, incorporating a seminary, in the county of Gibson, and for other purposes, was read three several times, by common consent, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, to

vacate certain lots in the town of Indianapolis and for other purposes, was twice read by common consent; and committed to a committee of the whole Senate, for to-morrow.

And the Senate adjourned to 9 o'clock to-morrow morning.

FRIDAY, JANUARY 20, 1826.

The Senate assembled.

On motion by Mr. Montgomery,

*Ordered*, That a second committee of free conference be appointed on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, on the subject matter of difference existing between the two Houses, relative to the bill to repeal the act for the relief of Claudius G. Brown, &c. &c.; and Messrs. Pennington and Stapp were appointed that committee on the part of the Senate; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. De Pauw asked, and obtained leave to introduce a bill, supplemental to an act passed at the present session of the General Assembly, entitled An act authorizing the leasing of Royce's Lick reserve; which was read three times by common consent, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The bill supplemental to an act passed at the present session, entitled "an act relative to county boundaries—approved, January 31, 1824," was taken up, the committee of the whole discharged from the further consideration thereof; and the said bill was read a third time:

And on the question, shall this bill pass?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, De Pauw, Ewing, Graham of Jackson, Grass, Gregory and Oliver—8.

*And those who voted in the negative were,*

MESSRS. Givens, Graham of Clark, Montgomery, Pennington, Smiley, Stapp and Watts—7.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill, and request their concurrence therein.

The engrossed bill from the House of Representatives incor-

porating the Whitewater Canal Company, as amended in Senate, was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence in said amendments.

The engrossed bill to amend an act entitled, "an act regulating divorces—approved, January 22, 1824," was read a third time, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The joint resolution of the General Assembly, relative to the office of the clerk of the supreme court, was read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

Mr. Stapp now made the following report:

*Mr. President,*

The joint committee on enrolled bills, have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act appointing an agent of the three per cent. fund.

An act attaching a part of Pike county to the county of Warlick.

An act legalizing the proceedings of the board of justices of Hendricks county.

An act making general appropriations for the year 1826.

An act authorizing the board of justices of Gibson county, to vacate certain streets and parts of streets in the town of Princeton; and to vacate the town of Highbanks in Pike county, and Saundersville in Vanderburgh county.

An act to authorize the qualified voters of the first school district in Clark's Grant, to elect a trustee.

A joint resolution disapproving the amendments proposed by the state of Tennessee to the Constitution of the United States. And a joint resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state.

And find the same truly enrolled:

The engrossed bill from the House of Representatives, making specific appropriations for the year 1826, as amended, was taken up; when,

Mr. Pennington proposed to amend the said bill, by adding the following items, to wit: "To Daniel C. Lane, Allen D. Thom and James B. Slaughter, each the sum of fifty dollars; to Hiram Westfall, thirty dollars; to Joseph M'Mahan, fourteen dollars; to Patrick Shields, eighty dollars;" all of which were adopted, on account of a judgment obtained against them by the state, and which sums have been heretofore paid by them on said judgment; and the said bill as amended, was read a third time, and passed; and Mr. Farnham was instructed to in-



form the House of Representatives of the passage of said bill with amendments; in which the concurrence of the Senate is requested.

The Senate now according to order, resolved itself into committee of the whole, on the bill to appropriate money and provide for building a Governor's house in the town of Indianapolis:

Mr. Ewing in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill with sundry amendments; all of which were read, and concurred in; except an amendment reading in the following words, to wit: "except the square called the Governor's circle;" (the object of which amendment, as adopted in committee of the whole had been, to prohibit the erection of the house now contemplated, on the square called the Governor's circle;) and the object of the present objection was, to strike out the above mentioned amendment, as adopted in committee of the whole. And on this question,

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Graham of Jackson, Grass, Montgomery and Watts—6.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Givens, Graham of Clark, Gregory, Pennington and Stapp—7.

So the said amendment as adopted in committee of the whole, was not concurred in by the Senate.

Mr. Graham of Clark then moved to insert the words "temporary residence;" the object of which amendment was, so to amend the bill, as that the house contemplated to be erected, should be deemed a temporary residence only, for the Governor. And on this question,

*Those who voted in the affirmative were,*

MESSRS. Colman, De Pauw, Ewing, Graham of Clark, Grass, Gregory, Montgomery and Watts—8.

*And those who voted in the negative were,*

MESSRS. Chambers, Cotton, Givens, Graham of Jackson, Pennington and Stapp—6.

So it was decided in the affirmative; and the said amendment adopted.

Mr. Pennington then moved to insert the words "Governor's

circle:" The object of which was, to confine the erection of said house to the Governor's circle. And on this question,

*Those who voted in the affirmative were,*

MESSRS. Cotton and Pennington—2.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, De Pauw, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Smiley, Stapp and Watts—13.

So it was decided in the negative; and the said amendments ordered to be engrossed, and with the bill read a third time this day.

Mr. Pennington, from the committee of free conference on the subject, now made the following report, to wit:

The committee of free conference on the subject matter of difference between the two Houses, on the fourth amendment made by the Senate, to the bill to provide for the printing and distributing the laws and journals of the present General Assembly, now report—that the said committee have had that matter under consideration, and have agreed that the House of Representatives recede from their objection to said 4th amendment.

And the said report was read, and concurred in.

The Senate now according to order, resolved itself into committee of the whole, on the bill for the relief of Samuel M'George:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate without amendment.

Mr. De Pauw then moved to amend the said bill, by striking out therefrom, the preamble, which reads in the following words, to wit: "Whereas, Samuel M'George of Marion county, did, some time in the year 1824, lease a certain piece of ground of the agent of state, on the donation, known by the name of the east half of the big field, at the rate of \$2 81 cents per acre, amounting in all to the sum of \$90, having the misfortune to have his crop of corn destroyed, either by design or accident, by some mischievous person by leaving down the fences, and letting in stock of every kind."

And on the question, shall the said preamble be stricken out?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, De Pauw, Givens, Graham of

Clark, Grass, Gregory, Montgomery, Oliver, Stapp and Watts—11.

*And those who voted in the negative were,*

MESSRS. Cotton, Ewing, Graham of Jackson, Pennington and Smiley—5.

So it was decided in the affirmative; and the said preamble stricken out.

On motion by Mr. Stapp,

The said bill was then further amended, in changing the mode of relief, &c., and ordered to be engrossed for third reading this day.

Mr. Wick, Secretary of State, now informed the Senate, that his Excellency the Governor has, on this day (January 20,) approved and signed the enrolled bills which originated in the Senate, entitled:

An act amendatory of the law, and for the better advancement of justice.

An act concerning prosecuting attorneys.

An act for the formation of the county of Tippecanoe. Also A Joint Resolution (which also originated in the Senate) for the benefit of the securities of Martin H. Tucker, deceased.

The said bills and resolution have been filed in the office of the secretary of state.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, to amend the act entitled, "an act for assessing and collecting the revenue:"

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same with sundry amendments; which were read, and concurred in.

Mr. Graham of Jackson, then moved to amend the said bill, by adding to the fourth section, the following, to wit: "and so much as authorizes the boards of justices in the several counties to levy a poll tax for county purposes:" (the object of which amendment is, to repeal so much of all revenue laws, as authorizes the boards of justices to levy a poll tax for county purposes.)

And on the question, shall this amendment be adopted?

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Givens, Graham of Jackson, Graham of Clark, Montgomery, Smiley and Stapp—9.



*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Grass, Gregory, Pennington and Watts—6.

So it was decided in the affirmative; and the said amendment adopted.

Mr. Stapp then moved to amend the said bill, by adding the following section to said bill, to wit: "That each and every male person over the age of twenty-one years, and under fifty years of age, sane, and not a pauper, shall be subject to twenty-five cents, as a poll tax for state purposes, and no more; and that on each and every brass clock in this state, there shall be assessed and collected, a tax of fifty cents for county purposes, and no more."

And on the question shall this amendment be adopted?

*Those who voted in the affirmative were,*

MESSRS. Cotton, De Pauw, Givens, Graham of Jackson, Grass, Montgomery, Smiley and Stapp—8.

*And those who voted in the negative were,*

MESSRS. Chambers, Colman, Ewing, Graham of Clark, Gregory, Pennington and Watts—6.

So it was decided in the affirmative; and the said amendment adopted.

The said amendments were then ordered to be engrossed, and with the bill read a third time this day.

And the Senate adjourned to 2 o'clock, P. M.

*2 o'clock, P. M.*

The Senate assembled.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution respecting the court house in Marion county:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which were read, and concurred in; and the said amendments ordered to be engrossed, and with the resolution read a third time this day.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, amendatory of the act entitled "an act relative to crimes and punishments:"

Mr. Givens in the chair;

When after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with sundry amendments; which was by striking out the several sections from the enacting clause; and the said amendments were concurred in; and by consent, the further consideration of the bill postponed indefinitely.

Mr. Pennington, from the second committee of free conference on the subject, now reported as follows, to wit:

*Mr. President,*

The committee appointed on the part of the two Houses, on the subject matter of dispute existing between the two Houses, on the bill relative to Claudius G. Brown, and the state university at Vincennes, report, that they have had the same under consideration, and have agreed to disagree.

Mr. Child, a member of the House of Representatives, now informed the Senate, that the House of Representatives have passed an engrossed bill, entitled,

An act incorporating congressional townships, and providing for public schools therein. And,

A joint resolution of the General Assembly.

In which they request the concurrence of the Senate.

The joint resolution of the General Assembly, last reported from the House of Representatives, was read three times by common consent, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, incorporating congressional townships, and providing for public schools therein, was twice read; when, on motion to postpone indefinitely the further consideration of the said bill:

*Those who voted in the affirmative were,*

MESSRS. Colman, Cotton, Ewing, Graham of Jackson, Graham of Clark, Grass, Montgomery, Smiley, Stapp and Watts  
—10.

*And those who voted in the negative were,*

MESSRS. Chambers, De Pauw, Gregory, Oliver and Pennington—5.

So it was decided in the affirmative.

On motion,

The committee of the whole Senate was discharged from the further consideration of the engrossed bill from the House of Representatives, to improve the navigation of the East and West Forks of White River; and the said bill was read a third

time, amended by common consent, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence in said amendment.

The engrossed bill for the relief of Samuel M'George, and the engrossed bill providing for the building of a temporary residence for the Governor of the state, were severally read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The engrossed bill amendatory of the several acts for assessing and collecting the revenue, as amended, was read a third time:

And on the question, shall this bill pass?

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Smiley, Stapp and Watts—13.

*And those who voted in the negative were,*

MESSRS. Ewing, Graham of Clark, and Pennington—3.

So it was decided in the affirmative, and Mr. Farnham instructed to inform the House of Representatives of the passage of said bill with amendments; in which the concurrence of that House is requested.

The joint resolution of the General Assembly, from the House of Representatives, respecting the court-house in Marion county, was read a third time as amended, and passed; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said resolution with amendments; in which their concurrence is requested.

The Senate now according to order, resolved itself into committee of the whole, on the engrossed bill from the House of Representatives, supplemental to the act regulating judicial circuits, and fixing the times of holding courts therein:

Mr. Stapp in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment; which was read, and concurred in.

Mr. Montgomery then moved to strike out so much of the third section of said bill, as changes the times of holding the courts in Crawford county.

And on the question of striking out—



*Those who voted in the affirmative were,*

MESSRS. Chambers, Colman, Cotton, Givens, Graham of Jackson, Gregory, Montgomery, Smiley and Watts—8.

*And those who voted in the negative were,*

MESSRS. De Pauw, Ewing, Graham of Clark, Grass, Pennington and Stapp—6.

So it was decided in the affirmative; and the said section so amended.

The said bill as amended, was then read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence therein.

The Senate now according to order, resolved itself into committee of the whole, on the joint resolution and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state:

Mr. Pennington in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate without amendment. The said memorial and resolution were then read a third time, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now according to order, resolved itself into committee of the whole, on the bill to vacate certain lots in the town of Indianapolis, and for other purposes:

Mr. Graham of Jackson in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the said bill to the Senate with an amendment; which was by striking out the same from the enacting clause; and the said amendment having been concurred in by the Senate, the further consideration of the said bill was postponed indefinitely.

The Senate now according to order, resolved itself into committee of the whole, on the bill in addition to the act entitled, "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening said roads—approved, December 31, 1821:—"

Mr. Cotton in the chair;

When, after some time spent thereon, the committee rose,

Mr. President resumed the chair, and

Mr. Chairman reported the same to the Senate with an amendment; which was read and concurred in; and the bill as amended, read a third time, and passed; and Mr. Farnham was instructed to inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives refuse to concur in the report of the joint committee of free conference, appointed to confer on the subject of the disagreeing votes of the two Houses, relative to the fourth amendment proposed by the Senate, to the bill from the House of Representatives, entitled An act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly. They have passed bills from the Senate of the following titles, to wit:

An act to amend the act entitled, "an act to authorize the location of certain state roads—approved, January 31, 1824."

And, An act for the better improvement of the state road from Indianapolis to Rushville; both without amendment.

And that the Speaker of the House of Representatives having signed several enrolled bills, he was directed to bring them to the Senate for the signature of their President.

The Senate now proceeded to consider the fourth amendment proposed by them to the bill from the House of Representatives, providing for printing and distributing the acts, joint resolutions and journals of the present General Assembly; and

On motion,

*Ordered*, That the Senate do recede from their said fourth amendment; and that Mr. Farnham inform the House of Representatives thereof.

And the foregoing enrolled bills reported from the House of Representatives, as having been signed by their Speaker, were now signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

The engrossed bill declaring Busseron creek a public highway, was read three times by common consent, and passed without amendment; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The engrossed bill from the House of Representatives, appointing additional trustees for the State Seminary, was twice read; and

On motion by Mr. Graham of Jackson,

Was amended by adding thereto the name of "William Marshall," and was read a third time, and passed; and Mr. Farnham

was instructed to inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives agree to the 1st, 2d, 3d, 6th, 7th, 9th, 11th, 12th, 14th, 15th, 19th, 21st and 22d items proposed by the Senate, to the bill from the House of Representatives, entitled An act making specific appropriations for the year 1826; but disagree to the 17th, 18th, 23d and 24th items; and they agree to the 4th, 5th, 8th, 10th, 13th, 16th and 20th items, with amendments to the same. They concur in the first amendment made by the Senate, to the bill from the House of Representatives, entitled An act supplementary to "an act regulating the judicial circuits, and fixing the times of holding courts," and the act to amend the same; but disagree to the second amendment made to said bill. They have passed the bill from the Senate, entitled An act providing the mode of opening and repairing public roads and highways in certain counties therein named, with several amendments. They have passed the bills from the Senate entitled,

An act legalizing the proceedings of the commissioners of Clay county, and for other purposes. And

An act for the relief of Samuel M'George; both without amendment.

They have passed a bill supplemental to the act entitled, "an act declaring certain streams therein named, public highways. In which last named bill, and amendments to the third, and amendments to the amendments to the first mentioned bill, the concurrence of the Senate is requested.

The Senate now proceeded to consider the several amendments made by them to the engrossed bill from the House of Representatives, making specific appropriations for the year 1826, and which were disagreed to by the House of Representatives; and

On motion,

*Ordered*, That the Senate recede from their 13th and 18th amendments made to said bill, and insist on the 5th, 7th, 8th, 16th, 17th, 20th, 23d and 24th amendments made to said bill; and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now proceeded to consider the second amendment made by them to the bill from the House of Representatives, amendatory of the act regulating judicial circuits, and fixing the times of holding courts therein; and

On motion,

*Ordered*, That the Senate insist on their said amendment.



and Mr. Farnham was instructed to inform the House of Representatives thereof.

The Senate now proceeded to consider the amendments made by the House of Representatives, to the act amending the act for repairing public roads and highways; which were all concurred in; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate, that the House of Representatives concur in the amendment made by the Senate, to the bill from the House of Representatives, entitled An act appointing additional trustees for the state seminary in Monroe county, and for other purposes. They insist on their objections to the first proviso added by the Senate, to the bill from the House of Representatives entitled, An act to incorporate the Whitewater Canal Company, and request a committee of free conference to be appointed, to take that subject into consideration; and have on their part appointed Messrs. Pepper and Craig that committee.

Mr. De Pauw now reported, that the committee on enrolled bills, did on this day present to the Governor for his approval and signature, sundry enrolled bills, entitled acts, to wit:

An act to authorize the qualified voters of the first school district in Clark's Grant, to elect a trustee.

An act authorizing the leasing of Royce's Lick reserve..

An act to amend an act entitled, "an act declaring certain streams therein named, public highways—approved, January 26, 1824."

An act making general appropriations for the year 1826.

An act legalizing the proceedings of the board of justices of Hendricks county.

An act authorizing the board of justices of Gibson county, to vacate certain streets and parts of streets in the town of Princeton; and to vacate the town of Highbanks in Pike county, and Saundersville in Vanderburgh county.

An act appointing an agent of the three per cent. fund.

An act concerning salt springs in Orange county.

An act attaching a part of Pike county to the county of Warwick.

A joint resolution disapproving the amendment proposed by the state of Tennessee to the Constitution of the United States.

A Joint Resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state.

An act to incorporate the town of Salem, Washington county.

An act for the relief of the collectors of the counties of Shelby, Switzerland, Washington and Jefferson.

A joint resolution providing for publishing with the acts of the General Assembly of the present session, the laws of the United States, relative to the naturalization of aliens.

On motion by Mr. Pennington,

The joint resolution on the subject of education, which had heretofore been laid on the table, was now taken up, read and ordered to be engrossed for third reading this evening.

And the Senate adjourned to six o'clock this evening.

6 o'clock, P. M.

The Senate assembled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have passed bills from the Senate of the following titles, to wit:

An act supplemental to an act passed at the present session, entitled An act authorizing the leasing of Royce's Lick reserve.

An act to provide for the payment of the balance due to the contractors for building the court-house at Indianapolis. And,

A joint resolution of the General Assembly.

All without amendment.

They concur in the amendment made by the Senate, to the joint resolution from the House of Representatives, entitled A joint resolution respecting the court-house in Marion county, and in the amendment made by the Senate, to the bill from the House of Representatives, entitled An act to improve the navigation of the East and West Forks of White River.

They agree to the second amendment proposed by the Senate, to the bill from the House of Representatives, entitled An act amendatory of the several acts for assessing and collecting the revenue; but disagree to the 1st, 3d, 4th and 5th amendments made by the Senate to said bill. They concur in the first amendment made by the Senate, to the bill from the House of Representatives, entitled An act to incorporate the White-water Canal Company, and in the second proviso to said bill; but refuse to concur in the first proviso to the same. They have passed bills of the following titles, to wit:

An act legalizing the proceedings of the trustees of Congressional township No. 2, of range No. 4 east, in Washington county.

An act declaring Busseron creek a public highway. And

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

In all of which, the concurrence of the Senate is requested.

The Senate now proceeded to consider the amendments made by them to the bill from the House of Representatives, to amend the several acts for assessing and collecting the reve-

nue, and which were disagreed to by the House of Representatives; and

On motion,

*Ordered*, That the second, fourth and fifth amendments made in Senate, and disagreed to by the House of Representatives, be receded from, and that the Senate insist on their first amendment made to said bill; and have appointed Messrs. Gregory and Oliver a committee of free conference on their part, to act with a similar committee to be appointed on the part of the House of Representatives, on the subject matter of disagreement between the two Houses, relative to said bill; and that Mr. Gregory inform the House of Representatives thereof, and request a similar committee on their part.

The Senate now proceeded to consider the amendment made by them, to the bill incorporating the Whitewater Canal Company, and disagreed to by the House of Representatives; and,

On motion,

*Ordered*, That the Senate insist on their said amendment as proposed by them, and disagreed to by the House of Representatives, and that the Senate have appointed Messrs. Gregory and Ewing a committee of free conference, to act with a similar committee to be appointed on the part of the House of Representatives, to compromise the said disagreement; and Mr. Gregory was instructed to inform the House of Representatives thereof, and request a similar committee on their part.

The engrossed bill from the House of Representatives legalizing the proceedings of Congressional township No. 2, of range No. 4 east, in Washington county, was read twice, the rule requiring bills to be read on three several days dispensed with, and the said bill read a third time;

And on the question, shall this bill pass? The ayes and noes being demanded by two members:

*Those who voted in the affirmative were,*

MESSRS. Chambers, Colinan, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Montgomery, Oliver, Pennington, Smiley, Stapp and Watts—14.

*And those who voted in the negative were,*

MESSRS. Ewing and Graham of Clark—2.

So it was decided in the affirmative; and Mr. Farnham was instructed to inform the House of Representatives of the passage of said bill without amendment.

Mr. Wick, Secretary of State, now informed the Senate, that his Excellency, the Governor, has directed him to announce to the Senate, that the enrolled bill, entitled An act for the re-



lief of the collectors of the counties of Shelby, Switzerland; Washington and Jefferson; and A joint resolution explanatory of an act requiring the secretary of state to procure a letter book for the use of the state; each of which originated in the Senate, have on this day received his approbation and signature; and have been filed in the office of the secretary of state.

The engrossed bill from the House of Representatives supplemental to the act entitled, "an act declaring certain streams therein named, public highways," was read a first time, and ordered to lie on the table.

The engrossed joint resolution relative to education, was read a third time:

And on the question, shall this resolution pass? it was decided in the negative.

Mr. Gregory, from the committee of free conference, on the disagreement between the two Houses, relative to the bill incorporating the Whitewater Canal Company, now reported—that they have agreed to disagree.

Mr. Thornton, from the House of Representatives, now informed the Senate, that the House of Representatives recede from their disagreement to the first amendment made by the Senate, to the bill from the House of Representatives entitled, An act amendatory of the several acts for assessing and collecting the revenue, and agree to the same.

And the Senate adjourned to 9 o'clock to-morrow morning.

SATURDAY, JANUARY 21, 1826.

The Senate assembled.

On motion,

*Ordered,* That the Senate recede from the amendment made by them to the bill from the House of Representatives incorporating the Whitewater Canal Company, and which was disagreed to by the House of Representatives; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. De Pauw now reported, that the joint committee on enrolled bills, have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act supplemental to an act passed at the present session, entitled "an act authorizing the leasing of Royce's Lick reserve.

An act to amend the act entitled, "an act to authorize the location of certain state roads, approved—January 31, 1824."

An act for the relief of Samuel M'George.

A joint resolution of the General Assembly.

An act providing for the payment of the balance due to the contractors for building the court-house at Indianapolis.

An act for the better improvement of the state road from Indianapolis to Rushville.

An act providing the mode of opening and repairing public roads and highways in certain counties therein named. And

An act legalizing the proceedings of the commissioners of the county of Clay, and for other purposes.

And find the same truly enrolled.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives insist on their disagreement to the 4th, recede from their disagreement to the 3th, 16th, 23d and 24th items proposed by the Senate, to the bill from the House of Representatives, making specific appropriations for the year 1826. They concur in the Senate's amendment to the amendment made by them to the 5th item, and recede from their disagreement to the 10th, 17th and 20th items proposed by the Senate to said bill, and concur in the same. They insist on their disagreement to the second amendment made by the Senate, to the bill from the House of Representatives entitled, An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same. They request committees of free conference to be appointed on both the foregoing subjects of difference; and have on their part appointed Messrs. Beckes and Sweetser on the first, and Messrs. Howk and Marshall, a committee on the last named bill.

On motion,

*Ordered*, That Messrs. Pennington and Graham of Jackson, be appointed a committee of free conference on the part of the Senate, on the subject matter of difference between the two Houses, on the bill supplemental to the act regulating the judicial circuits, and fixing the times of holding courts, to act with the committee appointed on the part of the House of Representatives, on that subject; and Mr. Graham of Jackson, was instructed to inform the House of Representatives thereof.

On motion,

*Ordered*, That the Senate continue to insist on their fourth amendment made to the bill from the House of Representatives, making specific appropriations for the year 1826, and recede from their eighth, sixteenth, twenty-third and twenty-fourth amendments made to said bill; and that Messrs. Gregory and Stapp are appointed a committee of free conference on the part of the Senate, to act with a similar committee to be ap-

pointed on the part of the House of Representatives on that subject; that Mr. Gregory inform the House of Representatives thereof, and request a similar committee on their part.

Mr. Wick, Secretary of State, now informed the Senate that his Excellency, the Governor, had directed him to announce to the Senate, that on the 20th instant, he did approve and sign, the enrolled bills which originated in the Senate, of the following titles, to wit:

An act concerning salt springs.

An act appointing an agent of the three per cent. fund.

An act authorizing the leasing of Royce's Lick reserve. And

An act to amend an act entitled, "an act declaring certain streams therein named, public highways—approved, January 26, 1824."

The said bills have been filed in the office of the secretary of state.

The President having withdrawn, Mr. Stapp was called to the chair.

Mr. Pennington offered for consideration and adoption, the following resolution, to wit:

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. John H. Thompson, for the zeal, assiduity and attention with which he has discharged the duties of the chair during the present session.

Which was read, and adopted by a unanimous vote of the Senate.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives recede from their disagreement to the fourth item made by the Senate, to the bill from the House of Representatives, entitled An act making specific appropriations for the year 1826. They also recede from their disagreement to the second amendment made by the Senate, to the bill from the House of Representatives, entitled An act regulating judicial circuits, and fixing the times of holding courts, and the act to amend the same: And the House of Representatives have adopted the following resolution, to wit:

*Resolved*, That the Rev. George Bush be requested to meet the two Houses this day at 12 o'clock, in the Representative Hall, to close the session of the present General Assembly by prayer; that the Senate be informed thereof, and a similar resolution on their part requested. Messrs. Child and Stanford are appointed a committee on the part of this House in pursuance of said resolution.

The Speaker of the House of Representatives having signed



several enrolled bills, he was directed to bring them to the Senate for the signature of their President.

And the foregoing enrolled bills, reported as having been signed by the Speaker, of the House of Representatives, were now signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature. And

On motion by Mr. Montgomery,

*Resolved*, That the Senate will appoint a committee on their part, to act with the committee appointed on the part of the House of Representatives, to wait on the Rev. Mr. Bush, and solicit him to meet both Houses in the Representative Hall, and close the present session with solemn prayer.

And Messrs. Watts and Pennington were appointed that committee on the part of the Senate; and Mr. Farnham was instructed to inform the House of Representatives thereof.

Mr. Thornton, Clerk of the House of Representatives, now informed the Senate, that the House of Representatives have adopted the following resolution, to wit:

*Resolved*, That a committee on the part of this House, jointly, with such committee as may be appointed on the part of the Senate, wait upon the Governor, and notify him that unless he may have other communications to make to the two Houses, they are now ready to adjourn; and the House of Representatives on their part appointed Messrs. Child and Hillis that committee.

The Speaker of the House of Representatives having signed an enrolled bill, he was directed to bring it to the Senate for the signature of their President.

Mr. De Pauw now reported, that the committee on enrolled bills, have compared A Joint resolution and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state, with the engrossed resolution:

An act incorporating the Whitewater Canal Company.

An act to provide for printing and distributing the acts, joint resolutions and journals of the General Assembly. And

An act supplemental to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same.

And find the same truly enrolled.

And the foregoing enrolled bill reported as having been signed by the Speaker of the House of Representatives, was now signed by the President of the Senate, and handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

On motion by Mr. Gregory,

*Resolved*, That a committee be appointed on the part of the Senate, to act in conjunction with a committee that may be appointed on the part of the House of Representatives, to wait on his Excellency, the Governor, and to inform him that both branches of the General Assembly have gone through their business at the present session, and are now ready to adjourn sine die, and to know of him if he has any further communication to make to either House.

And Messrs. Gregory and Graham of Clark were appointed that committee on the part of the Senate; and Mr. Gregory directed to inform the House of Representatives thereof.

Mr. Stapp, from the joint committee on enrolled bills, now reported—that they had compared the enrolled with the engrossed bill, entitled, An act to incorporate the Whitewater Canal Company; and find the same truly enrolled.

Mr. Pennington, from the committee on the subject, now reported—that they had waited on the Rev. Mr. Bush, and received for answer, that he would attend at the time required.

Mr. De Pauw now reported, that the joint committee on enrolled bills, did on this day present to the Governor for his approval and signature, sundry enrolled bills, entitled acts, to wit:

An act providing the mode of opening and repairing public roads and highways, in certain counties therein named.

An act providing for the payment of the balance due to the contractors for building the court-house at Indianapolis.

An act for the better improvement of the state road from Indianapolis to Rushville.

An act legalizing the proceedings of the commissioners of Clay county, and for other purposes.

An act for the relief of Samuel M'George.

An act legalizing the proceedings of the school trustees of congressional township, No. 2, in range 4 east, in Washington county.

An act to amend the act, entitled An act regulating divorces, approved, January 22d, 1824.

An act appointing additional trustees for the state seminary in Monroe county, and for other purposes.

An act to amend the act entitled, "an act to authorize the location of certain state roads—approved, January 31, 1824."

An act supplemental to an act passed at the present session, entitled "an act authorizing the leasing of Royce's Lick reserve.

An act in addition to the act, entitled An act authorizing the laying off certain state roads in this state and appropriating \$100,000 of the fund commonly called the three per cent.

fund for opening the said roads, approved, December 31, 1821.

An act reviving and amending the act, entitled An act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved, December 26, 1815; and legalizing and confirming the proceedings of the said corporation, and extending the right of suffrage and the powers of the citizens within the same.

An act incorporating the Whitewater canal company.

An act declaring Busseron creek a public highway.

A joint resolution and accompanying memorial to the Congress of the United States, on the subject of procuring a further extinguishment of the Indian title to certain lands within this state.

A joint resolution of the General Assembly.

A joint resolution of the General Assembly, respecting the court-house in Marion county.

A joint resolution of the General Assembly.

An act to improve the east and west forks of White river.

Mr. Stapp now reported—that the joint committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled:

An act amendatory of the act for assessing and collecting the revenue; and find the same truly enrolled.

The Senate now proceeded to re-consider their vote, on the bill from the House of Representatives, to encourage the destruction of wolves.

And the question again recurring, shall this bill pass? it was decided in the negative; and the further consideration of the said bill was postponed indefinitely.

Mr. Thornton, clerk of the House of Representatives, now informed the Senate, that the Speaker of the House of Representatives has signed sundry enrolled bills, which he was directed to bring to the Senate, for the signature of their President.

And the said bills having been signed by the President, were handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. Stapp now made the following report:

*Mr. President,*

The joint committee on enrolled bills, have compared the enrolled with the engrossed bill, entitled:

An act incorporating a county seminary for the county of Gibson, and for other purposes; and find the same truly enrolled.

Mr. Thornton, Clerk of the House of Representatives, now



informed the Senate, that the House of Representatives have adopted the following resolution, to wit:

*Resolved*, That a message be sent to the Senate, to inform them that this House having completed the business before them, are ready to close the present session, and that the clerk carry said message to the Senate.

The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate, for the signature of their President.

Mr. De Pauw now reported, that the joint committee on enrolled bills, did on this day present to the Governor for his approval and signature, sundry enrolled bills, entitled acts, to wit:

An act amendatory of the several acts for assessing and collecting the revenue.

An act supplementary to the act regulating the judicial circuits, and fixing the times of holding courts, and the act to amend the same. And

An act to provide for printing and distributing the acts, joint resolutions and journals of the present General Assembly.

Mr. Richardson from the House of Representatives, now informed the Senate, that the Speaker of the House of Representatives having signed an enrolled bill, he was directed to bring it to the Senate for the signature of their President.

And the said enrolled bill having been signed by the President of the Senate, was handed to the committee on enrolled bills, to be laid before the Governor for his approval and signature.

Mr. De Pauw now reported, that the joint committee on enrolled bills, did on this day present to the Governor for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate a seminary in the county of Gibson, and for other purposes. And

An act making specific appropriations for the year 1826.

Mr. Pennington offered for adoption, the following resolution, to wit:

*Resolved*, That the House of Representatives be informed that the Senate have gone through their legislative business, and are now ready to adjourn sine die.

Mr. Wick, Secretary of State, now informed the Senate, that his Excellency, the Governor, has directed him to announce to the Senate, that on this day the enrolled bills which originated in the Senate, entitled,

An act for the better improvement of the state road from Indianapolis to Rushville.

An act supplemental to an act passed at the present session, entitled An act authorizing the leasing of Royce's Lick reserve.

An act to amend the act entitled, "an act to authorize the location of certain state roads—approved, January 31, 1824."

An act for the relief of Samuel M'George.

An act legalizing the proceedings of the commissioners of the county of Clay, and for other purposes.

An act providing for the payment of the balance due to the contractors for building the court house at Indianapolis.

An act providing the mode of opening and repairing public roads and highways in certain counties therein named. Also,

A joint resolution of the General Assembly, which originated in the Senate, have received his Excellency's approbation and signature; and have been filed in the office of the secretary of state.

Mr. Gregory, from the joint committee appointed to wait on his Excellency, the Governor, now reported, that they have performed that duty, and have received for answer, that he has no further communication to make to either branch of the General Assembly.

*Resolved*, That the thanks of the Senate be tendered to the Rev. George Bush, for his polite compliance with the request of the two Houses, in meeting them on this day; and that the best wishes of the Senate, for his prosperity, usefulness and happiness are cordially tendered him.

And the Senate adjourned, sine die.

JAMES DILL, *Secretary*.

#### ERRATA IN JOURNAL.

Page 132, the ninth and tenth lines from the top, should read as follows, to wit: Messrs. Colman, Ewing, Givens, Graham of Jackson, Graham of Clark, Grass, Gregory, Pennington, Rariden and Smiley—10.

In the nineteenth line from the top, the figures setting out the number of dollars, should read, \$185 50, instead of \$151; and those figures setting out the number of dollars in the twenty first line from the top, should read \$151, instead of \$185 50.

Page 134, the fourth and fifth lines from the bottom of the page, should read thus, to wit: Messrs. Colman, Cotton, De Pauw, Givens, Graham of Jackson, Grass, Gregory, Pennington, Rariden, Smiley and Watts—11.













